CS

GORDON J. SCHOEFFLER

ATTORNEY AT LAW

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900 South College Rd., Suite 204
P.O. Box 4829
Lafayette, LA 70502
337-232-8123
Fax 337-235-5629

September 29, 2017

Enterprise Products Operating, LLC
Through its agent for service of process:
C T CORPORATION SYSTEM
3867 PLAZA TOWER DR.
BATON ROUGE, LA 70816

Re: Notice of Intent to File Clean Water Act Suit against Enterprise Products Operating, LLC

Via Certified Mail Return Receipt
7013 2630 0002 1721 1031

To whom it may concern,

Please be advised, the undersigned represents the interests of the Louisiana Crawfish Producers Association- West, Inc. (hereinafter, "Complainants") in connection with the above referenced matter. Pursuant to Section 505(b) of the Clean Water Act (33 U.S.C. §1365(b)), please allow this correspondence to serve as notice of intent to file suit against Enterprise Products Operating, LLC, for ongoing violations of the Clean Water Act, 33 U.S.C. §1365(a)(1), and for obstructing navigable waterways/drains without a valid permit under Louisiana Civil Code Article 458. Pursuant to Section 505(b), my clients intend to file suit before the Federal Western District of Louisiana after sixty (60) days have passed from your receipt of this correspondence unless the violations of effluent standards and limitations a remedied within that time.

This correspondence is in regards to the "65-Mile Enterprise Products 10-Inch RGP Pipeline Project- Ascension, Iberville, and St. Martin Parishes, Louisiana", a pipeline presently under construction, or which may have recently been completed. Enterprise is constructing the pipeline under Us Army Corps of Engineers Permit No. MVN-2015-01668-WII. It has come to our attention that over the past several months, in connection with the construction of the referenced pipeline, Enterprise has continuously or intermittently discharged fill material into seven waterways in the Atchafalaya Basin without a proper permit or in violation of its permit. These un-permitted discharges violate the Clean Water Act and Louisiana law.

Documents Submitted for Review

Attached for your review are the following:

(1) Photographs of the areas in question,

(2) Aerial photography of the pipeline with markers indicating where the photographs were taken and a chart of GPS coordinates corresponding to the locations where the photographs were taken;

(3) Copy of the "Proposed Jurisdictional Determination of Waters of the United States" prepared by Atkins North America, Inc. on behalf of Enterprise in connection with the permit application process; and

(4) Copy of USACE Permit No. MVN-2015-01668-WII

Effluent Standards

The Corps issued an individual permit to Enterprise on May 1, 2017, authorizing Enterprise "to perform work in accordance with the terms and conditions" specified in the permit; specifically to "[c]lear, excavate and place earthen material to conduct trenching operations, horizontal directional drills and construct temporary workspaces, all to install and maintain approximately 65 miles of 10-inch refinery-grade propylene (RGP) pipeline." See Permit No. MVN-2015-01668-WII at 1.

The permit includes the following special conditions:

9. The permitted activity must not interfere with the public's right of free navigation on all navigable waters of the United States;

12. The authorized activities must not cause more than minimal changes to the existing hydrologic conditions and flow characteristics in wetland areas or cause more than minimal degradation of water quality of any stream. Work in wetlands must not excessively impede or increase natural drainage resulting in unnatural ponding or adjoining properties. All drainage areas must remain open during and after construction of the pipeline. (emphasis ours);

15. Any damage to streams, streambanks, ditches, berms, ridges, levees, spoil banks, etc. must be repaired and restored to pre-project conditions. This includes hauling in appropriate material and stabilizing damaged areas if necessary. If any hydrologic connections are created from equipment moving across shorelines or banklines, these areas must be immediately stabilized and restored to pre-project conditions by hauling in appropriate fill material if necessary.

17. The permittee shall limit mechanized clearing, grading, dredging and filling to

those areas shown within specified construction rights-of-way(s) and identified temporary work spaces. Timber and other woody vegetation associated with ROW construction shall either be cut and hauled to a non-wetland location, or if not achievable, cut, chipped and broadcast to the greatest extent within the pipeline ROW at a height not to exceed approximately 4 inches in jurisdictional wetlands and/or to an elevation which would not degrade or impact existing wetlands. There shall be no stacking of chips, stockpiling, windrowing, and/or burning of any woody vegetation within jurisdictional wetlands inside or outside of the permitted ROW.

18. As to avoid temporary disruption and impediment to natural watercourses or hydrologic exchange within the area during construction, the permittee shall maintain an approximate 50 foot gap for every 500 feet of temporary side cast material resulting from pipeline trench excavation activities. Gap locations and intervals can be modified, added, or substituted, as to account for low-lying areas and natural water exchange conduits and/or provided that the altered locations or dimensions still suitably maintain normal hydrologic flows within the area, during the specific time of construction.

See Permit at pp.4-5; see also special conditions 19, 21, and 22 (discussing siltation and debris control in the project as well as Enterprise's duties upon completion of permanent and temporary work).

Description of Discharges

We write in regards to seven specific locations where pre-existing perennial, intermittent, and ephemeral waterways have been "plugged" by fill or spoil material from Enterprise' pipeline construction. At this point in time, it is unclear whether these waterways were plugged with permanent or temporary fill/spoil, but as noted herein, under the terms of Enterprise's permit, either circumstance is impermissible. Under any circumstance, the offending fill/spoil remains as of the date of this letter.

There are seven individual locations where plugs occur. For your reference, we have numbered them 1 through 7. Each plug occurs at a pre-existing perennial, intermittent, and/or ephemeral waterway which was recorded by Atkins while surveying the pipeline right of way prior to construction. Thus, Enterprise knew the waterways existed prior to construction. The following is a break-down of information on each Plug:

Plug 1- Photo taken at Lat 30.186153/ Long -91.669278. This plug occurs at Atkins map identification waterway No. S-171- See Atkins Jurisdictional Determination Report at 4-12; Atkins Report Appendix "A", Figure 2, Sheet 61 of 70; and Drawings attached to Permit No. MVN-2015-01668-WII at Sheet 63 of 88

Plug 2- Photos taken at Lat 30.183972/ Long -91.664886. This plug occurs at

Atkins map identification waterway No. S-166- See Atkins Jurisdictional Determination Report at 4-12; Atkins Report Appendix "A", Figure 2, Sheet 61 of 70; and Drawings attached to Permit No. MVN-2015-01668-WII at Sheet 63 of 88

Plug 3- Photo taken at Lat 30.182992/ Long -91.663519. This plug occurs at Atkins map identification waterway No. S-165- See Atkins Jurisdictional Determination Report at 4-11; Atkins Report Appendix "A", Figure 2, Sheet 61 of 70; and Drawings attached to Permit No. MVN-2015-01668-WII at Sheet 63 of 88

Plug 4- Photo taken at Lat 30.185297/ Long -91.667825. This plug occurs at Atkins map identification waterway No. S-169- See Atkins Jurisdictional Determination Report at 4-12; Atkins Report Appendix "A", Figure 2, Sheet 61 of 70; and Drawings attached to Permit No. MVN-2015-01668-WII at Sheet 63 of 88

Plug 5- Photo taken at Lat 30.185897/ Long -91.667825. This plug occurs at Atkins map identification waterway No. S-170- See Atkins Jurisdictional Determination Report at 4-12; Atkins Report Appendix "A", Figure 2, Sheet 61 of 70; and Drawings attached to Permit No. MVN-2015-01668-WII at Sheet 63 of 88

Plug 6- Photo taken at Lat 30.187128/ Long -91.669597. This plug occurs at Atkins map identification waterway No. S-173- See Atkins Jurisdictional Determination Report at 4-12; Atkins Report Appendix "A", Figure 2, Sheet 61 of 70; and Drawings attached to Permit No. MVN-2015-01668-WII at Sheet 63 of 88

Plug 7- Photo taken at Lat 30.190831/ Long -91.675361. This plug occurs at Atkins map identification waterway No. S-176- See Atkins Jurisdictional Determination Report at 4-12; Atkins Report Appendix "A", Figure 2, Sheet 62 of 70; and Drawings attached to Permit No. MVN-2015-01668-WII at Sheet 64 of 88

In addition to the seven waterways impacted by Plugs 1-7, the Atkins Report indicates that between the Atchafalaya Main Channel and the Western Guide Levee, the surveyors located twenty-eight (28) individual water courses crossing the proposed right of way. To the extent that any of these watercourses have suffered the same fate as those courses blocked by Plugs 1-7, demand is made herein for restoration of same to pre-project conditions.

In addition to the foregoing, the Enterprise pipeline right of way is littered with branches and debris left behind by right-of-way clearing performed by Enterprise or on its behalf. This debris has naturally caused damming throughout the watercourses which traverse the right of way, blocking the flow of water, drainage, and navigability through and around the pipeline corridor, all in violation

of Enterprise's permit as noted above. Complainants further demand that Enterprise take all appropriate action to remedy the problems caused by branches and debris scattered throughout the pipeline corridor in violation of its permit.

Enterprise's permit does not authorize the discharge of fill/spoil material into the watercourses adversely impacted by Plugs 1-7 or any other pre-existing watercourses referenced herein. In fact, it expressly precludes this. Based on the foregoing, Enterprise has violated and continues to violate the Clean Water Act and La. C.C. Art. 458 by discharging and maintaining fill/spoil material, branches and debris from pipeline construction into the above referenced waterways and wetlands of the Atchafalaya Basin. These violations continue as Enterprise has not corrected or remediated these violations and continues to obstruct water flow, drainage, and navigability, without a proper permit or in violation of its existing permit, as described herein.

Among the blocked waterways are many canals, bayous and lakes both upstream and downstream of the pipeline right-of-way that will be affected if the violations continue. The following bayous, canals and lakes are among those potentially affected by these ongoing violations: Bay Tony, Ha Ha Bay, Bay Barrone, Bayou Leon, Oak Ridge, Bayou Cocodrie, Bayou Larose, and Bayou de Plomb.

The violations set forth in this Notice of Intent to File Suit adversely impact the LCPA's members' commercial and recreational use and enjoyment of the effected waterways as well as the waterbodies adversely impacted outside of the pipeline corridor. Their use and enjoyment of the Basin and specified waterways are specifically impaired by Enterprise Products Operating, LLC's violations of the Clean Water Act and Louisiana Civil Code.

The name, address and phone number of the Complainant giving notice is:

Louisiana Crawfish Producers Association- West, Inc.
Through its counsel
Gordon J. Schoeffler
900 South College Rd., Ste. 204 (70503)
Post Office Box 4829
Lafayette, Louisiana 70502
Ph. (337) 232-8123
Fax: (337) 235-5629
gschoeffler@josephjoy.com

If you have any questions concerning this Notice or the aforementioned violations, or if you believe any portion to be in error, please contact the undersigned counsel, at the above address and phone number. During the notice period, the Complainants are available to discuss this matter to reach a cooperative resolution of the violations listed in this Notice. However, if you seek to institute negotiations in lieu of civil action, please contact the undersigned as soon as possible as we do not intend to delay instituting civil action upon expiration of the notice period.

Yours very truly,

Gordon J. Schoeffler

cc: Samuel Coleman, P.E.
Regional Administrator
EPA Region 6
Fountain Place 12th Floor, Suite 1200
1445 Ross Ave, Suite 1200
Dallas, TX 75202-2733
Via Regular Mail

Scott Pruitt, Administrator
U.S. EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave, N.W.
Mail Code 1101A
Washington, D.C. 20460
Via Regular Mail

Chuck Carr Brown, Ph. D., Secretary
Louisiana Department of Environmental Quality
P.O. Box 4301
Baton Rouge, LA 70821-4303
Via Regular Mail

Colonel Michael N. Clancy, New Orleans District Commander
United States Army Corps of Engineers - New Orleans Division
7400 Leake Avenue
New Orleans, LA 70118
Via Regular Mail

J. Grant Barber, Atkins North America, Inc. (Agent)
909 ESE Loop 323, Suite 520
Tyler, TX 75701
Via Regular Mail

ARIAL


Enterprise Plugs
2 views
SHARE
Enterprise Plugs
Plug 1: 30.186153, -91.669278
Plug 2: 30.183972, -91.664886
Plug 3: 30.182992, -91.663519
Plug 4: 30.185297, -91.667825
Plug 5: 30.185897, -91.667825
Plug 6: 30.187128, -91.669597
Plug 7: 30.190831, -91.675361
Made with Google My Maps
Bayou Benoit Levee Rd
Par Rd 169
Sign in
Google My Maps
Map data ©2017 Google Imagery ©2017 , DigitalGlobe, Landsat / Copernicus, U.S. Geological Survey, USDA Farm Service Agency Terms 2,000 ft

PLUG 1

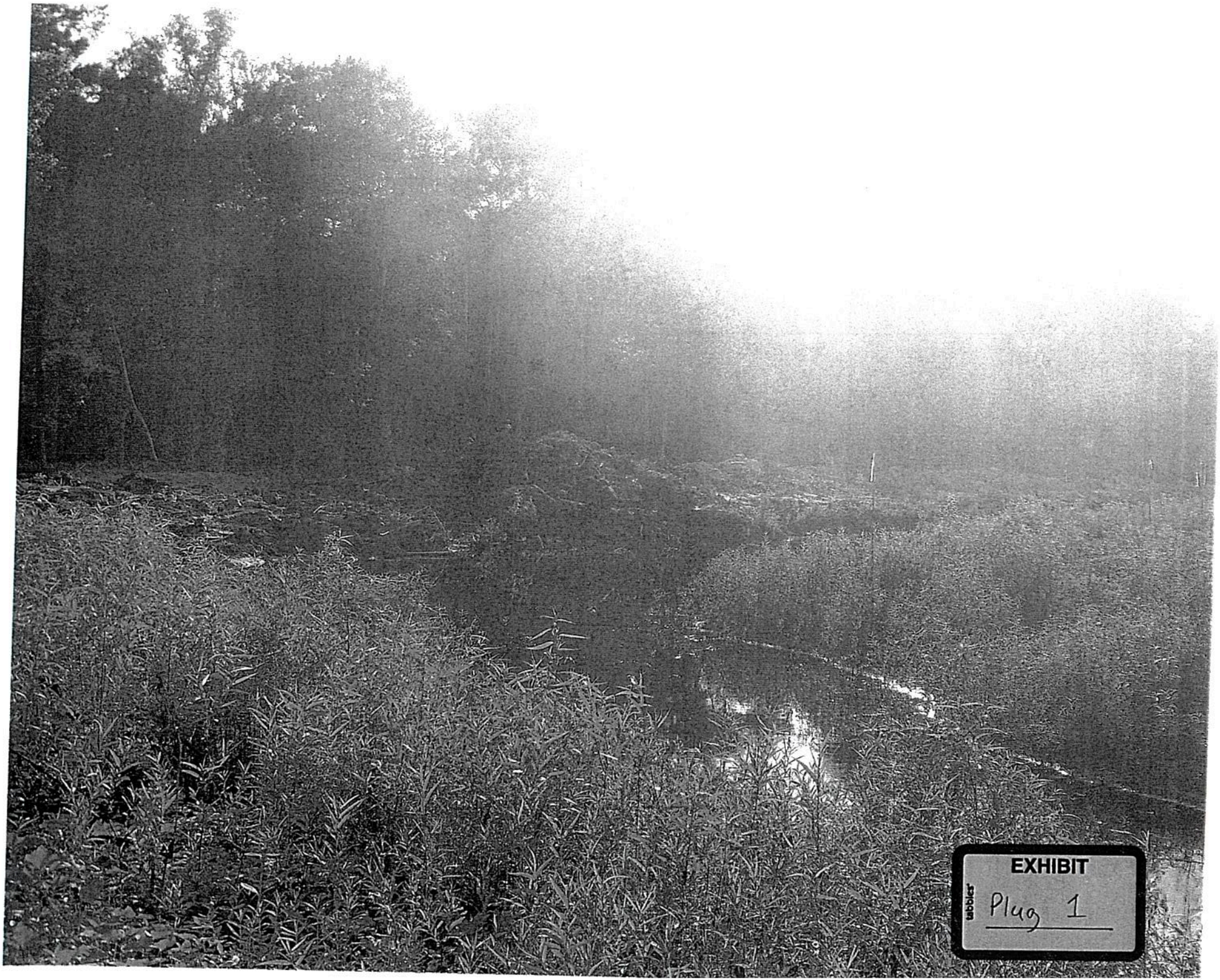
EXHIBIT
tabbies
Plug 1

Map Identification[1]	Stream Classification[2]	Latitude*	Longitude*	Map Sheet	OHWM (Feet)	Linear Feet within Survey Corridor
S-166	PERENNIAL	30.18396	-91.66499	61	30	389.56
S-167	INTERMITTENT	30.18457	-91.66582	61	3	276.49
S-168	PERENNIAL	30.18487	-91.66647	61	9	330.05
S-169	INTERMITTENT	30.18537	-91.66713	61	9	279.34
S-170	EPHEMERAL	30.18589	-91.66794	61	3	276.25
S-171	INTERMITTENT	30.18614	-91.66831	61	9	321.20
S-172	EPHEMERAL	30.18631	-91.66824	61	3	148.80
S-173	EPHEMERAL	30.18698	-91.66957	61	3	275.97
S-174	EPHEMERAL	30.18794	-91.67109	61	2	283.83
S-175	EPHEMERAL	30.18848	-91.67206	61	3	317.68
S-176	EPHEMERAL	30.19063	-91.67558	62	8	328.37
S-177	DITCH/CANAL	30.19676	-91.68979	62-63	80	4,358.04
S-178	DITCH/CANAL	30.19678	-91.69261	63	221	265.33
S-179	PERENNIAL	30.19670	-91.69423	63	97	409.99
S-180	EPHEMERAL	30.19662	-91.69563	63	3	390.05
S-181	INTERMITTENT	30.19663	-91.69611	63	10	376.20
S-182	EPHEMERAL	30.19687	-91.69671	63	9	341.66
S-183	PERENNIAL	30.19681	-91.69759	63	40	294.67
S-184	PERENNIAL	30.19682	-91.69913	63-64	25	287.31
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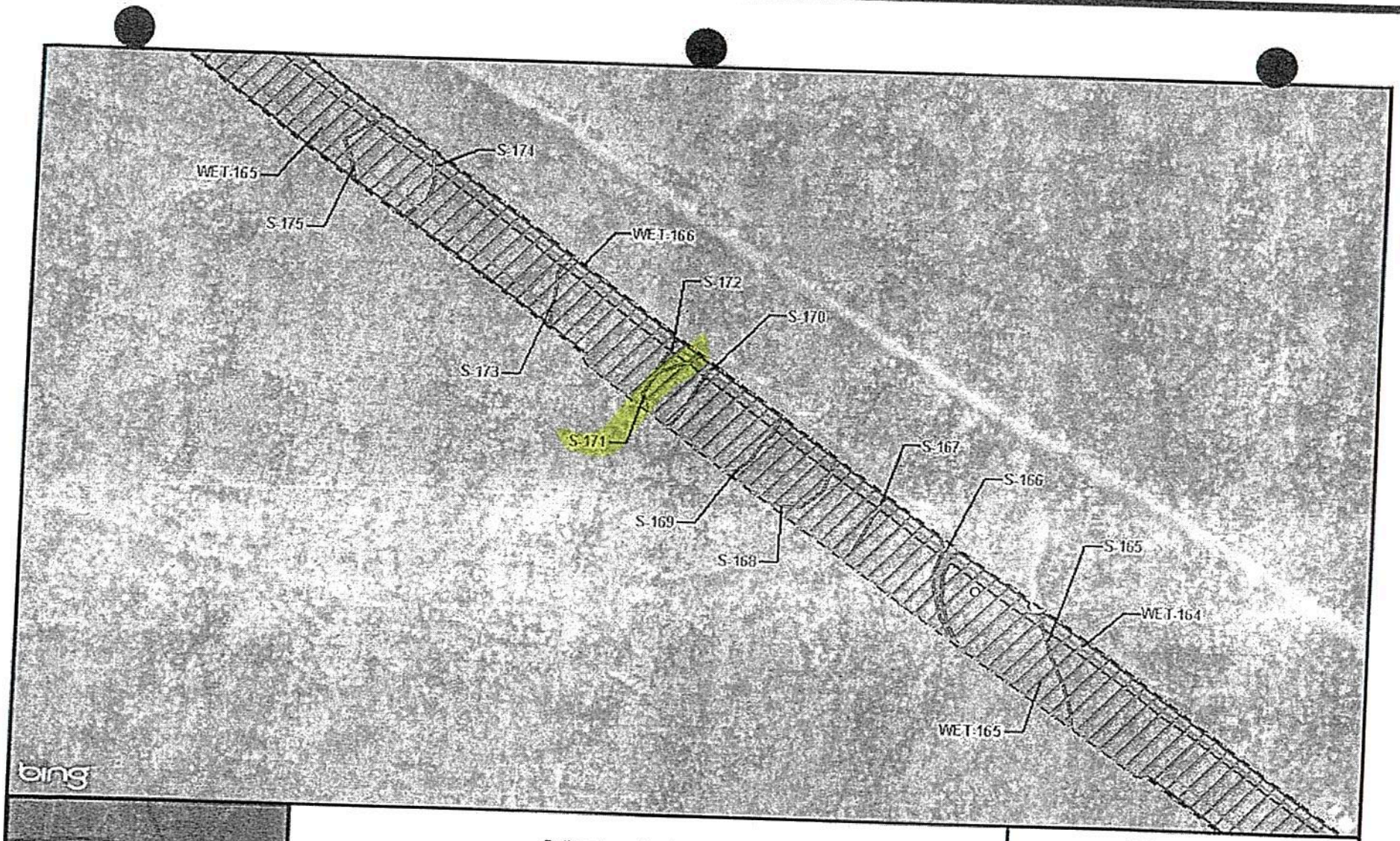
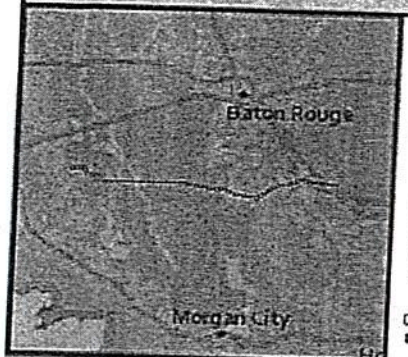
S-186	INTERMITTENT	30.19681	-91.70107	64	7	250.49
S-187	INTERMITTENT	30.19687	-91.70221	64	9	211.91
S-188	INTERMITTENT	30.19682	-91.70229	64	9	261.03
S-189	INTERMITTENT	30.19682	-91.70300	64	9	251.57
S-190	INTERMITTENT	30.19709	-91.70330	64	9	54.95
S-191	INTERMITTENT	30.19682	-91.70350	64	9	255.69
S-192	PERENNIAL	30.19684	-91.70423	64	20	271.11
S-193	PERENNIAL	30.19706	-91.70476	64	9	215.12
S-194	INTERMITTENT	30.19720	-91.70584	64	9	299.25
S-195	INTERMITTENT	30.19749	-91.70640	64	9	341.63
S-196	EPHEMERAL	30.19748	-91.70698	64	4	344.68
S-198	PERENNIAL	30.19828	-91.70941	64	20	374.72
S-199	DITCH/CANAL	30.20996	-91.71713	66	3	291.05
S-200	DITCH/CANAL	30.21374	-91.71907	66	1	307.91
S-201	DITCH/CANAL	30.21910	-91.72292	67	8	316.17
S-202	DITCH/CANAL	30.21891	-91.73622	68	20	227.19
S-203	DITCH/CANAL	30.21850	-91.74840	69	15	472.91
S-204	DITCH/CANAL	30.21837	-91.76197	70	10	216.55
S-205	DITCH/CANAL	30.22076	-91.76567	70	1	413.79

1 Map Identification represents unique designations given to each wetland by Atkins during field surveys.
2 Stream Classification determined from topographic maps and field observations.
* NAD 83.
• Photo interpretation due to no access.





Datum: NAD 1983
Projection: UTM
Zone: 15 North
Units: Meter
Aerials: Bing Maps Aerial

0 250 500 Feet

Delineations Previously Approved MLV-2013-02944-WII

Upland Area

Survey Corridor

Upland Data Point

Wetland Data Point

Section 404 Waterbody

Section 10 Waterbody

Section 404 Waterbody

Wetland

ATKINS

Figure 2 - Aerial Based Surveyed Wetlands and Waterbodies Enterprise Products Operating LLC Enterprise Products 65-Mile 10-Inch RGP Pipeline Project

Sheet 61 of 70

Prepared By: Atkins/MHIT6392	Scale: 1 " = 500 '
Job No.: 100044492	Date: Sep 25, 2015

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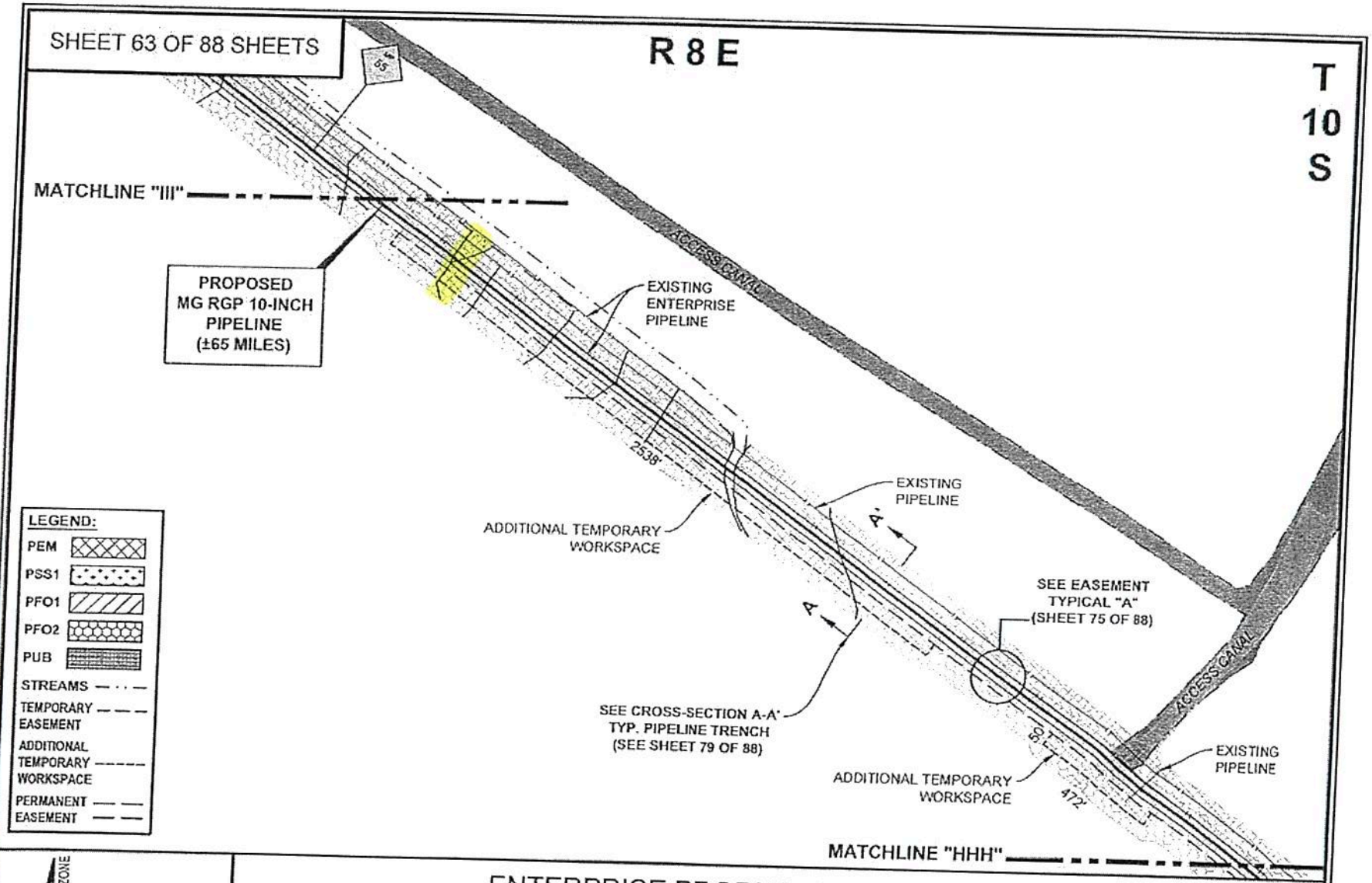
Microsoft Corporation, Earthstar Geographics LLC, GeoEye, Harris Corporation, NASA, and DigitalGlobe. Bing Maps Aerial. 2013. 1:6,000; generated by Atkins; using ArcMap. <http://www.bing.com/maps> (25 September 2015)



NAD 83 (2011) LA SOUTH ZONE

Not to be used for construction, bidding, recordation, conveyance, sales, or as the basis for the issuance of a permit

PRELIMINARY

NOTE:
THE CONTENTS OF THESE PLANS ARE INTENDED EXCLUSIVELY FOR THE PURPOSE OF OBTAINING ENVIRONMENTAL COMPLIANCE PERMITS

ENTERPRISE PRODUCTS OPERATING LLC

PROPOSED 65-MILE ENTERPRISE PRODUCTS MG RGP 10-INCH PIPELINE PROJECT

ASCENSION, IBERVILLE & ST. MARTIN PARISHES, LOUISIANA

PLAN VIEW MAP
SCALE: 1"=500'
500' 0 250' 500'

FENSTERMAKER
C. H. Fenstermaker & Associates, L.L.C.
135 Regency Sq. Lafayette, LA 70508
Ph. 337-237-2200 Fax. 337-232-3299
www.fenstermaker.com

DRAWN BY: JPLN	REVISIONS		
PROJ. MGR.: LJB	No. A	DATE: 10/21/2016	REVISED BY: ANL
DATE: 10/27/2015	No. B	DATE: 11/30/2016	REVISED BY: ANL
FILENAME: T:\2015\2152099\DWG\COE_FILES\2152099_Enterprise-COE Permits.dwg			

PLUG 2

tabbies

EXHIBIT

Plug 2-A


EXHIBIT
tabbies
Plug 2-B

Map Identification[1]	Stream Classification[2]	Latitude*	Longitude*	Map Sheet	OHWM (Feet)	Linear Feet within Survey Corridor
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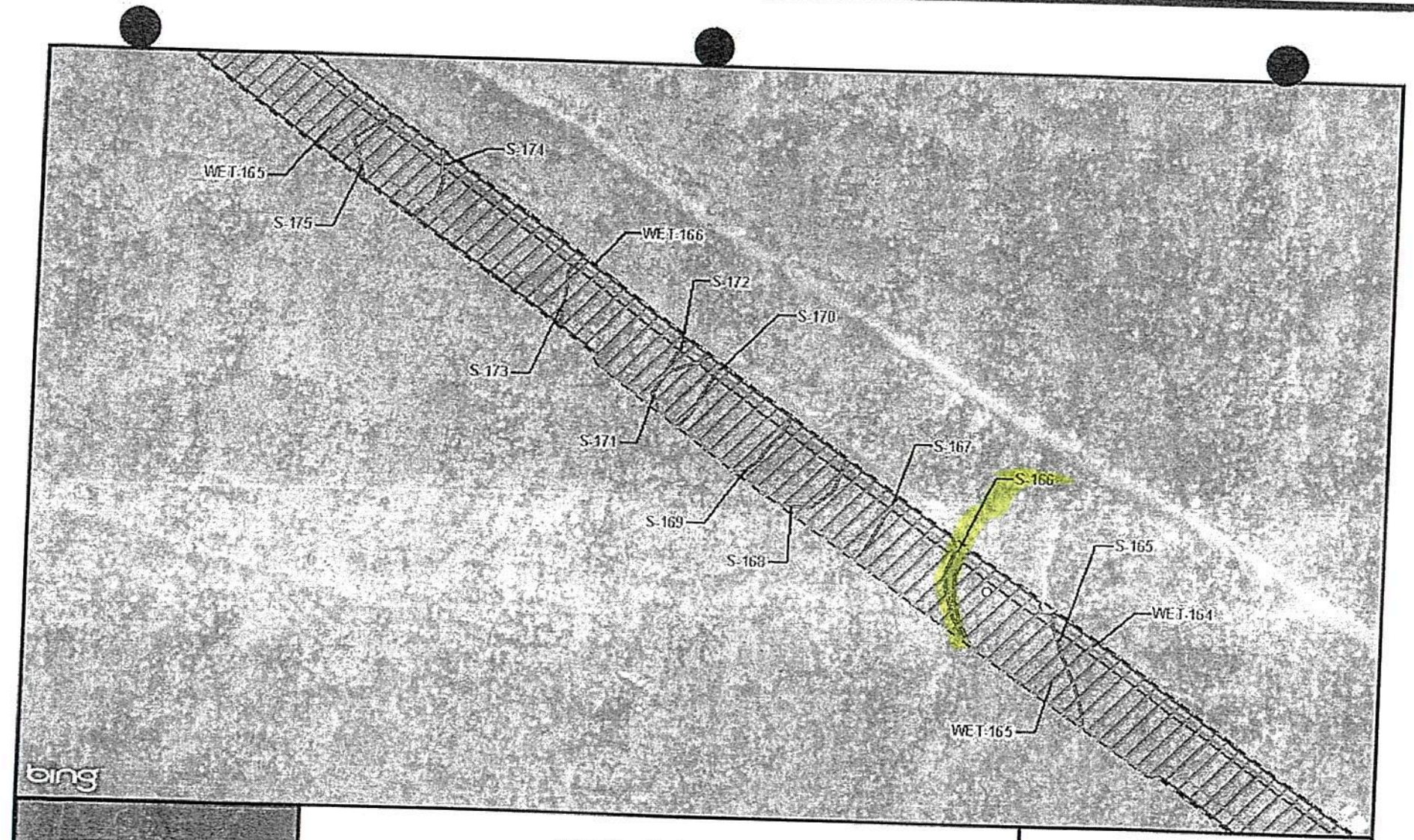

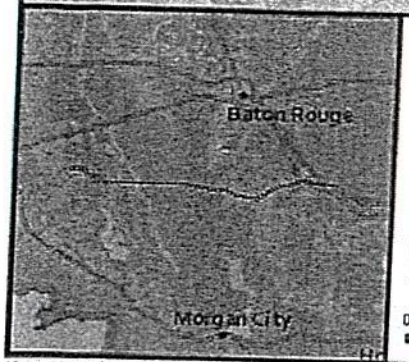

Datum: NAD 1983
Projection: UTM
Zone: 15 North
Units: Meter
Aerials: Bing Maps Aerial

0 250 500 Feet

Delineations Previously Approved MLV-2013-02944-WII

Upland Area

Survey Corridor

Upland Data Point

Wetland Data Point

Section 404 Waterbody

Section 10 Waterbody

Section 404 Waterbody

Wetland

ATKINS

Figure 2 - Aerial Based
Surveyed Wetlands and Waterbodies
Enterprise Products Operating LLC
Enterprise Products 65-Mile 10-Inch
RGP Pipeline Project

Sheet 61 of 70

Prepared By: Atkins/WHITE392	Scale: 1 " = 500 '
Job No.: 100044492	Date: Sep 25, 2015

N:\E_FERC\Angle_Eaves_Feeder\100044492\gis\fig\WORMXR_Impact_Map.mxd

Microsoft Corporation, Earthstar Geographics LLC, GeoEye, Harris Corporation, NASA, and DigitalGlobe. Bing Maps Aerial. 2013. 1:6,000; generated by Atkins; using ArcMap. <http://www.bing.com/maps> (25 September 2015)

SHEET 63 OF 88 SHEETS

R 8 E

T 10 S

MATCHLINE "III"

PROPOSED MG RGP 10-INCH PIPELINE (±65 MILES)

EXISTING ENTERPRISE PIPELINE

ACCESS CANAL

2538'

EXISTING PIPELINE

ADDITIONAL TEMPORARY WORKSPACE

A'

A

SEE EASEMENT TYPICAL "A" (SHEET 75 OF 88)

SEE CROSS-SECTION A-A' TYP. PIPELINE TRENCH (SEE SHEET 79 OF 88)

ACCESS CANAL

EXISTING PIPELINE

ADDITIONAL TEMPORARY WORKSPACE

472'

MATCHLINE "HHH"

LEGEND:

- PEM
- PSS1
- PFO1
- PFO2
- PUB
- STREAMS
- TEMPORARY EASEMENT
- ADDITIONAL TEMPORARY WORKSPACE
- PERMANENT EASEMENT

NAD 83 (2011) LA SOUTH ZONE

Not to be used for construction, bidding, monstration, conveyance, sales, or as the basis for the issuance of a permit

PRELIMINARY

NOTE:
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PLAN VIEW MAP

SCALE: 1"=500'

500' 0 250' 500'

FENSTERMAKER

C. H. Fenstermaker & Associates, L.L.C.
135 Regency Sq. Lafayette, LA 70508
Ph. 337-237-2200 Fax. 337-232-3299
www.fenstermaker.com

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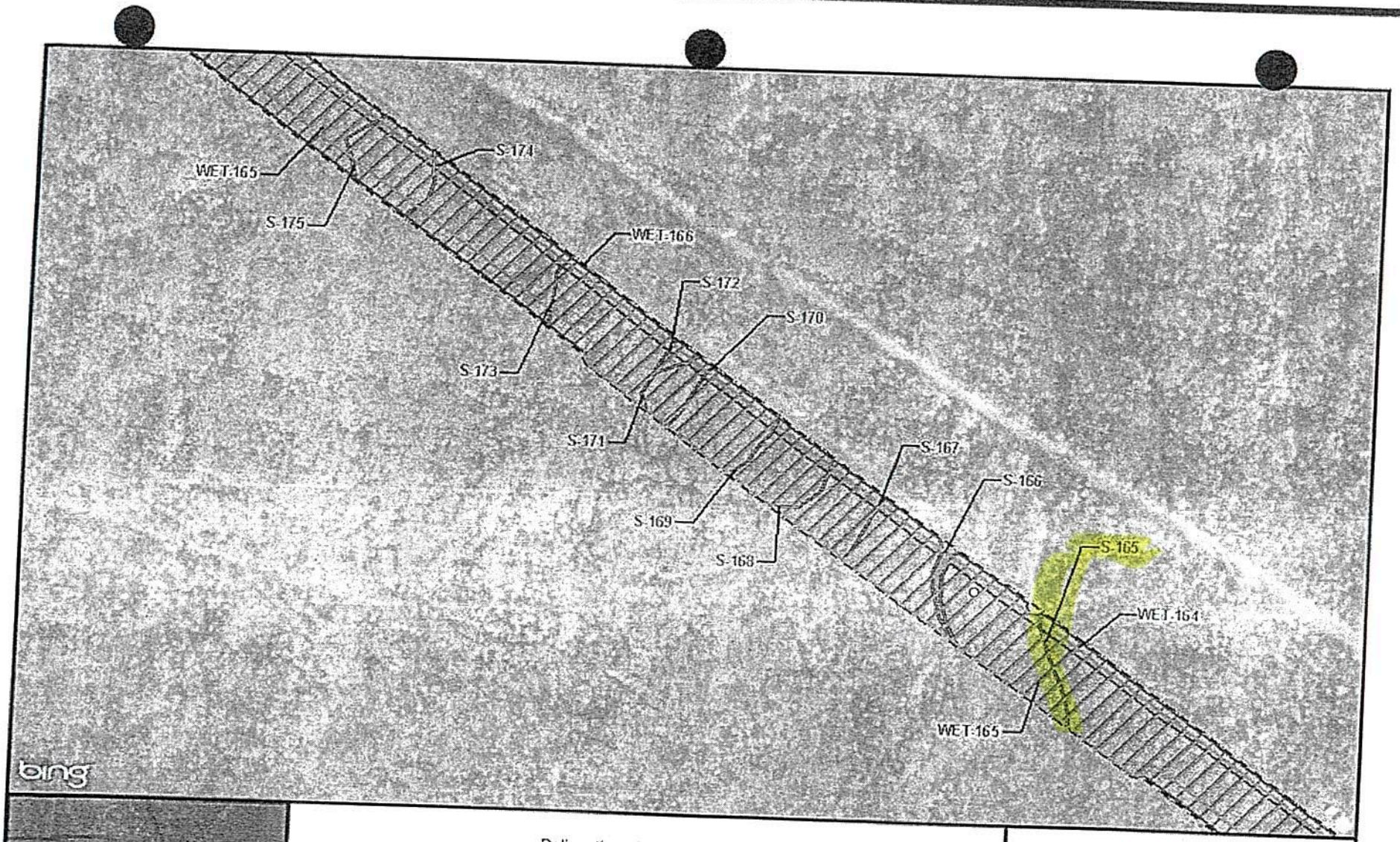
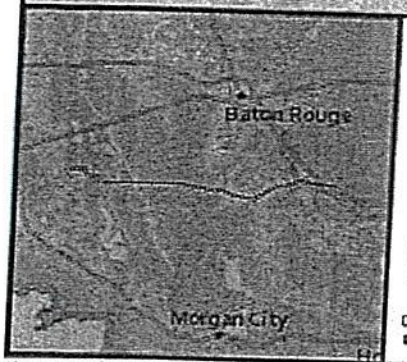
PROJ. MGR.: LJB	No. A	DATE: 10/21/2016	REVISED BY: ANL	
DATE: 10/27/2015	No. B	DATE: 11/30/2016	REVISED BY: ANL	
FILENAME: T:\2015\2152099\DWG\COE_FILES\2152099_Enterprise-COE Permits.dwg				

PLUG 3


EXHIBIT
tabbies
Plug 3

Map Identification1	Stream Classification2	Latitude*	Longitude*	Map Sheet	OHWM (Feet)	Linear Feet within Survey Corridor
S-123	DITCH/CANAL	30.15379	-91.23824	32	12	275.56
S-124	DITCH/CANAL	30.15470	-91.24338	33	5	254.89
S-125	DITCH/CANAL	30.15735	-91.25853	34	25	255.14
S-126	DITCH/CANAL	30.15802	-91.26228	34	20	315.99
S-127	DITCH/CANAL	30.15825	-91.26394	34	75	347.42
S-128	DITCH/CANAL	30.16189	-91.28474	35	50	254.05
S-129	DITCH/CANAL	30.16784	-91.32594	38	15	342.24
S-130	DITCH/CANAL	30.16789	-91.32767	38	50	1,054.23
S-131	PERENNIAL	30.17153	-91.33807	39	350	314.26
S-132	DITCH/CANAL	30.17434	-91.35702	40	150	272.01
S-133	DITCH/CANAL	30.17358	-91.35817	40	170	255.98
S-134	DITCH/CANAL	30.17148	-91.35932	40-41	200	1,080.23
S-135	DITCH/CANAL	30.17421	-91.39091	43	100	256.42
S-136	PERENNIAL	30.17419	-91.40374	43	20	238.66
S-137	PERENNIAL	30.17422	-91.42282	45	65	393.52
S-138	DITCH/CANAL	30.17426	-91.42721	45	120	410.65
S-139	PERENNIAL	30.17422	-91.42932	45	30	361.30
S-140	PERENNIAL	30.17433	-91.43472	45	35	276.36
S-141	PERENNIAL	30.17436	-91.43781	46	50	295.24
S-142	DITCH/CANAL	30.17432	-91.43990	46	50	352.93
S-143	PERENNIAL	30.17460	-91.44761	46	60	420.23
S-144	EPHEMERAL	30.17448	-91.46140	47	5	445.12
S-145	DITCH/CANAL	30.17458	-91.47724	48	35	432.12
S-146	DITCH/CANAL	30.17438	-91.50612	50	30	295.33
S-147	PERENNIAL	30.17689	-91.51720	51	75	3,974.18
S-148	EPHEMERAL	30.17508	-91.51468	51	1	121.10
S-149	DITCH/CANAL	30.17406	-91.51823	51	5	199.29
S-150	PERENNIAL	30.17408	-91.52781	51-52	1,582	393.48
S-151	DITCH/CANAL	30.17500	-91.53399	52	10	274.66
S-152	DITCH/CANAL	30.17503	-91.53739	52	15	295.02
S-153	EPHEMERAL	30.17513	-91.54321	53	5	214.22
S-154	EPHEMERAL	30.17518	-91.54808	53	4	612.95
S-155	EPHEMERAL	30.17511	-91.54955	53	1	329.37
S-156	DITCH/CANAL	30.17503	-91.55086	53	9	288.76
S-157	DITCH/CANAL	30.17508	-91.55147	53	9	281.25
S-158	PERENNIAL	30.17507	-91.57367	55	15	282.98
S-159	PERENNIAL	30.17509	-91.57800	55	8	264.73
S-160	PERENNIAL	30.17515	-91.57847	55	8	315.26
S-161	PERENNIAL	30.17398	-91.60697	57	323	384.32
S-162	EPHEMERAL	30.17535	-91.64847	59	5	252.21
S-163	DITCH/CANAL	30.17581	-91.65186	60	8	623.78
S-164	EPHEMERAL	30.17785	-91.65490	60	10	586.69
S-165	EPHEMERAL	30.18316	-91.66355	61	22	431.42





Delineations Previously Approved MLV-2013-02944-WII

Upland Area

Survey Corridor

Upland Data Point

Wetland Data Point

Section 404 Waterbody

Section 10 Waterbody

Section 404 Waterbody

Wetland

Datum: NAD 1983
Projection: UTM
Zone: 15 North
Units: Meter
Aerials: Bing Maps Aerial

0 250 500 Feet

Microsoft Corporation, Earthstar Geographics LLC, GeoEye, Harris Corporation, NASA, and DigitalGlobe. Bing Maps Aerial. 2013.
15,000; generated by Atkins using ArcMap. <http://www.bing.com/maps> (25 September 2015)

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Figure 2 - Aerial Based Surveyed Wetlands and Waterbodies
Enterprise Products Operating LLC
Enterprise Products 65-Mile 10-Inch RGP Pipeline Project

Sheet 61 of 70

Prepared By: Atkins/WHIT6392	Scale: 1 " = 500 '
Job No.: 100044492	Date: Sep 25, 2015

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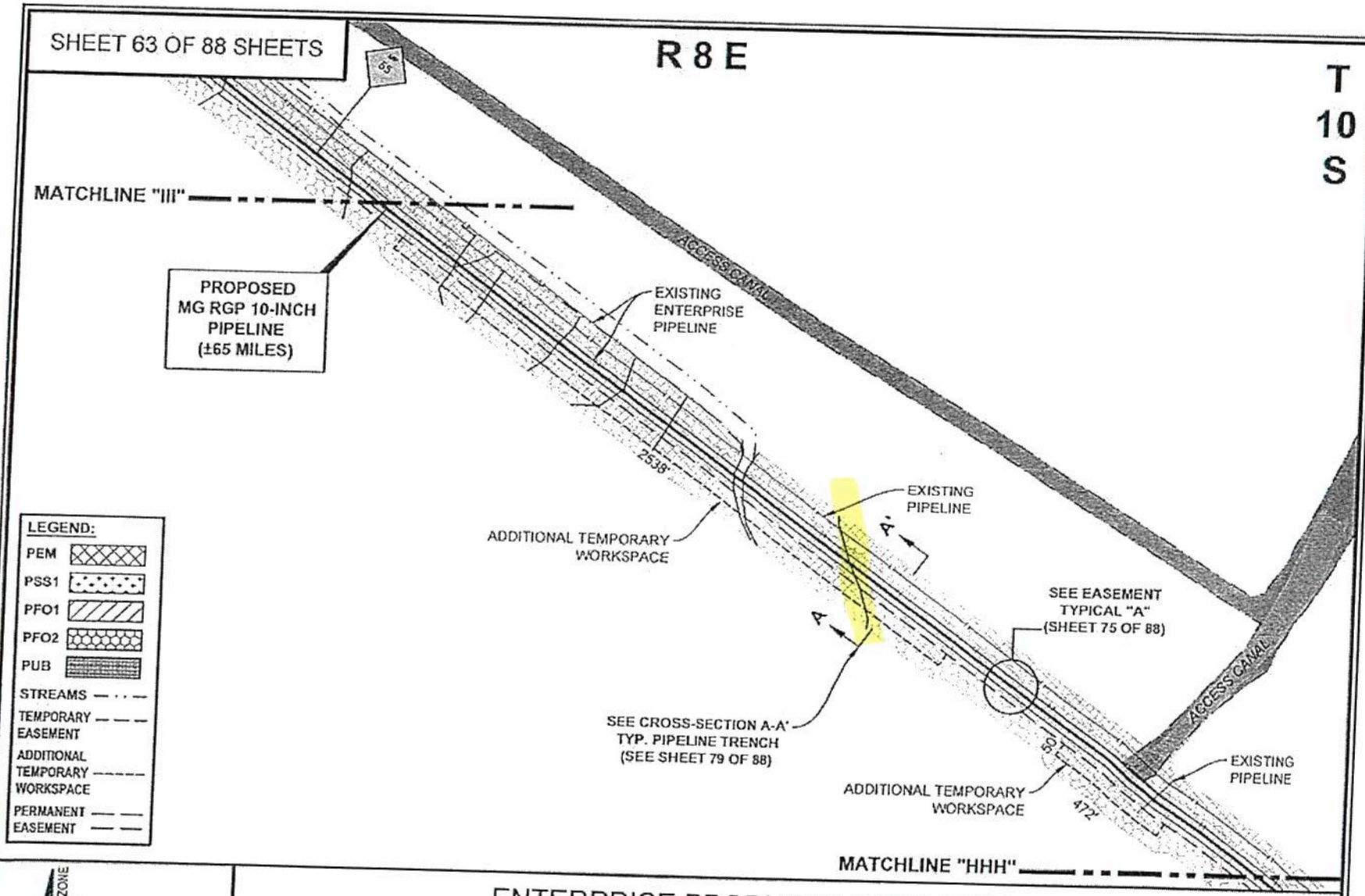
SHEET 63 OF 88 SHEETS



NAD 83 (2011) LA SOUTH ZONE

Not to be used for construction, bidding, monstation, conveyance, sales, or as the basis for the issuance of a permit

PRELIMINARY

NOTE:
THE CONTENTS OF THESE PLANS ARE INTENDED EXCLUSIVELY FOR THE PURPOSE OF OBTAINING ENVIRONMENTAL COMPLIANCE PERMITS

ENTERPRISE PRODUCTS OPERATING LLC

PROPOSED 65-MILE ENTERPRISE PRODUCTS MG RGP 10-INCH PIPELINE PROJECT

ASCENSION, IBERVILLE & ST. MARTIN PARISHES, LOUISIANA

PLAN VIEW MAP

SCALE: 1"=500'

500' 0 250' 500'

FENSTERMAKER

C. H. Fenstermaker & Associates, L.L.C.
135 Regency Sq. Lafayette, LA 70508
Ph. 337-237-2200 Fax. 337-232-3299
www.fenstermaker.com

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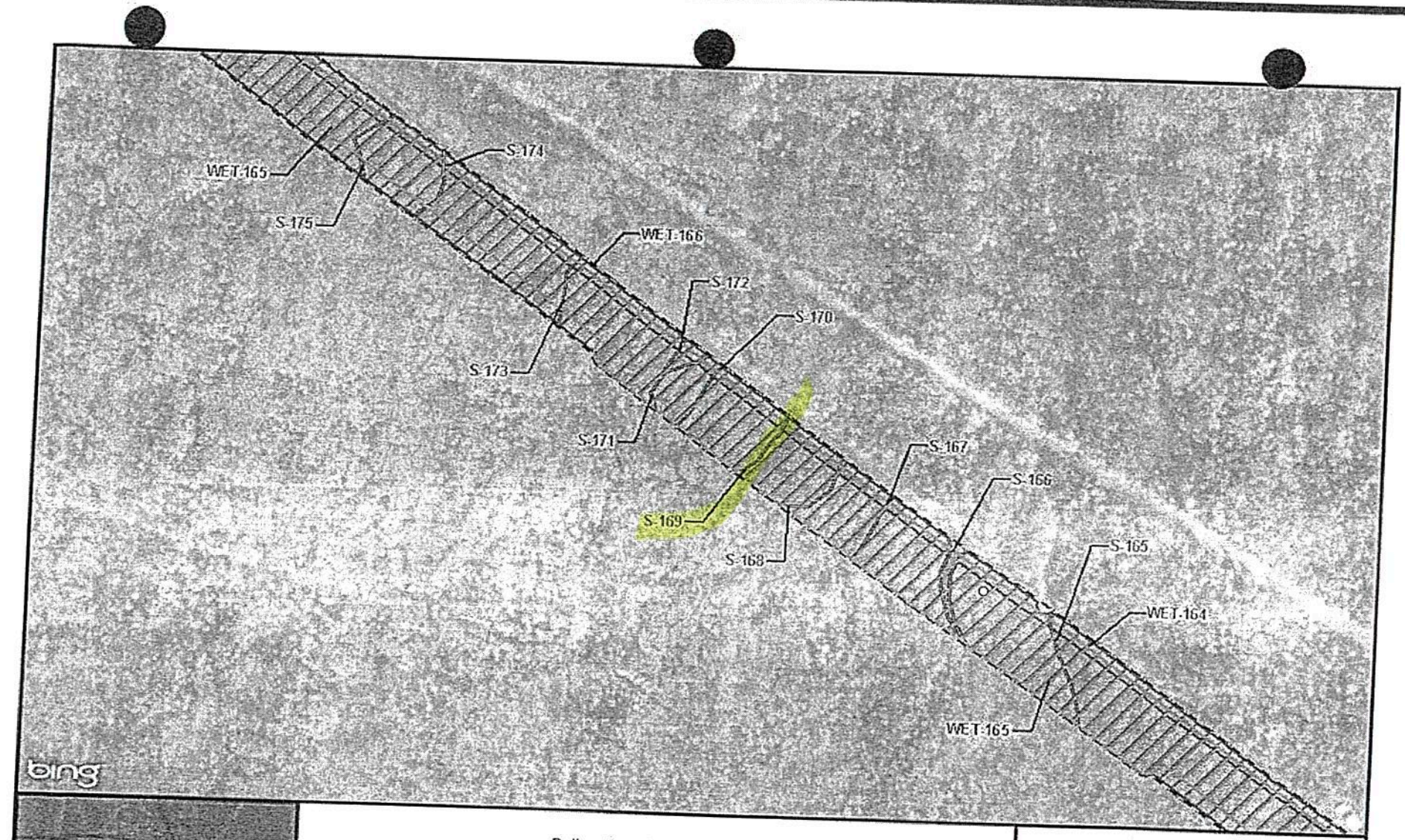
DATE: 10/27/2015	No. B	DATE: 11/30/2016	REVISED BY: ANL
FILENAME: T:\2015\2152099\DWG\COE_FILES\2152099_Enterprise-COE Permits.dwg			

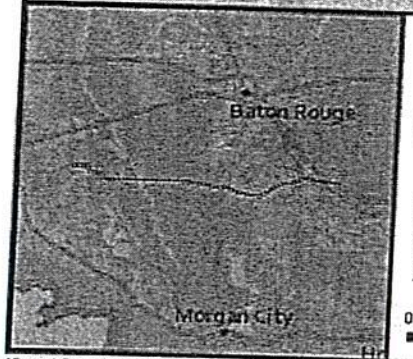
PLUG 4

tabbies
EXHIBIT
Plug 4

Map Identification[1]	Stream Classification[2]	Latitude*	Longitude*	Map Sheet	OHWM (Feet)	Linear Feet within Survey Corridor
S-166	PERENNIAL	30.18396	-91.66499	61	30	389.56
S-167	INTERMITTENT	30.18457	-91.66582	61	3	276.49
S-168	PERENNIAL	30.18487	-91.66647	61	9	330.05
S-169	INTERMITTENT	30.18537	-91.66713	61	9	279.34
S-170	EPHEMERAL	30.18589	-91.66794	61	3	276.25
S-171	INTERMITTENT	30.18614	-91.66831	61	9	321.20
S-172	EPHEMERAL	30.18631	-91.66824	61	3	148.80
S-173	EPHEMERAL	30.18698	-91.66957	61	3	275.97
S-174	EPHEMERAL	30.18794	-91.67109	61	2	283.83
S-175	EPHEMERAL	30.18848	-91.67206	61	3	317.68
S-176	EPHEMERAL	30.19063	-91.67558	62	8	328.37
S-177	DITCH/CANAL	30.19676	-91.68979	62-63	80	4,358.04
S-178	DITCH/CANAL	30.19678	-91.69261	63	221	265.33
S-179	PERENNIAL	30.19670	-91.69423	63	97	409.99
S-180	EPHEMERAL	30.19662	-91.69563	63	3	390.05
S-181	INTERMITTENT	30.19663	-91.69611	63	10	376.20
S-182	EPHEMERAL	30.19687	-91.69671	63	9	341.66
S-183	PERENNIAL	30.19681	-91.69759	63	40	294.67
S-184	PERENNIAL	30.19682	-91.69913	63-64	25	287.31
S-185	EPHEMERAL	30.19681	-91.69966	64	6	250.92
S-186	INTERMITTENT	30.19681	-91.70107	64	7	250.49
S-187	INTERMITTENT	30.19687	-91.70221	64	9	211.91
S-188	INTERMITTENT	30.19682	-91.70229	64	9	261.03
S-189	INTERMITTENT	30.19682	-91.70300	64	9	251.57
S-190	INTERMITTENT	30.19709	-91.70330	64	9	54.95
S-191	INTERMITTENT	30.19682	-91.70350	64	9	255.69
S-192	PERENNIAL	30.19684	-91.70423	64	20	271.11
S-193	PERENNIAL	30.19706	-91.70476	64	9	215.12
S-194	INTERMITTENT	30.19720	-91.70584	64	9	299.25
S-195	INTERMITTENT	30.19749	-91.70640	64	9	341.63
S-196	EPHEMERAL	30.19748	-91.70698	64	4	344.68
S-198	PERENNIAL	30.19828	-91.70941	64	20	374.72
S-199	DITCH/CANAL	30.20996	-91.71713	66	3	291.05
S-200	DITCH/CANAL	30.21374	-91.71907	66	1	307.91
S-201	DITCH/CANAL	30.21910	-91.72292	67	8	316.17
S-202	DITCH/CANAL	30.21891	-91.73622	68	20	227.19
S-203	DITCH/CANAL	30.21850	-91.74840	69	15	472.91
S-204	DITCH/CANAL	30.21837	-91.76197	70	10	216.55
S-205	DITCH/CANAL	30.22076	-91.76567	70	1	413.79

1 Map Identification represents unique designations given to each wetland by Atkins during field surveys.
2 Stream Classification determined from topographic maps and field observations.
* NAD 83.
• Photo interpretation due to no access.





Datum: NAD 1983
Projection: UTM
Zone: 15 North
Units: Meter
Aerials: Bing Maps Aerial

0 250 500 Feet

- Delineations Previously Approved MLV-2013-02944-WII
- Upland Area
- Survey Corridor
- Upland Data Point
- Wetland Data Point
- Section 404 Waterbody
- Section 10 Waterbody
- Section 404 Waterbody
- Wetland

Microsoft Corporation, Earthstar Geographics LLC, GeoEye, Harris Corporation, NASA, and DigitalGlobe. Bing Maps Aerial. 2013. 1:6,000; generated by Atkins; using ArcMap. <http://www.bing.com/maps> (25 September 2015)

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Figure 2 - Aerial Based
Surveyed Wetlands and Waterbodies
Enterprise Products Operating LLC
Enterprise Products 65-Mile 10-Inch
RGP Pipeline Project

Sheet 61 of 70

Prepared By: Atkins/WHIT6392	Scale: 1 " = 500 '
Job No.: 100044492	Date: Sep 25, 2015

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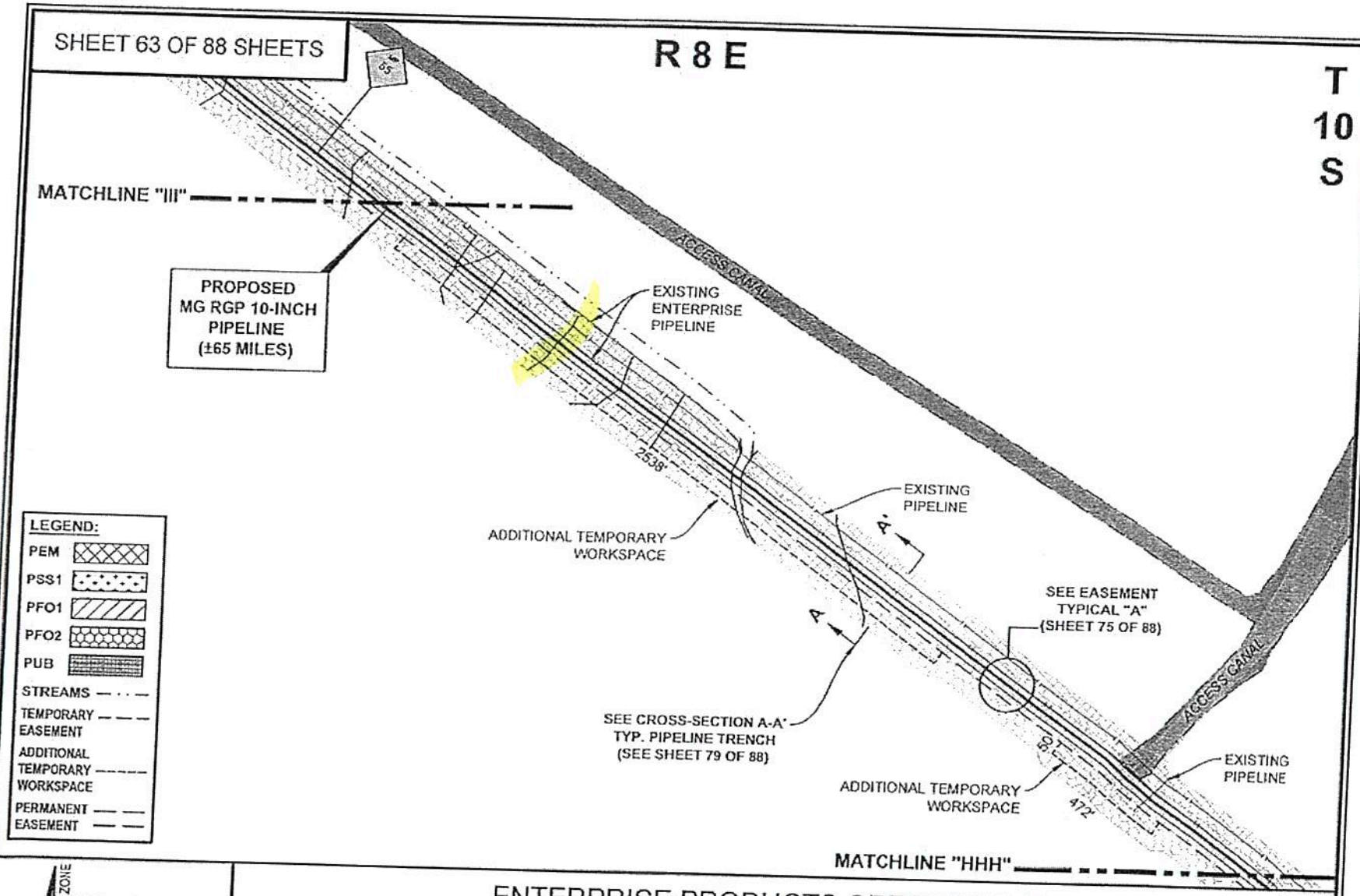
SHEET 63 OF 88 SHEETS



NAD 83 (2011) LA SOUTH ZONE

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PLAN VIEW MAP

SCALE: 1"=500'

500' 0 250' 500'

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PLUG 5

tabbies
EXHIBIT
Plug 5

Map Identification[1]	Stream Classification[2]	Latitude*	Longitude*	Map Sheet	OHWM (Feet)	Linear Feet within Survey Corridor
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S-170	EPHEMERAL	30.18589	-91.66794	61	3	276.25
S-171	INTERMITTENT	30.18614	-91.66831	61	9	321.20
S-172	EPHEMERAL	30.18631	-91.66824	61	3	148.80
S-173	EPHEMERAL	30.18698	-91.66957	61	3	275.97
S-174	EPHEMERAL	30.18794	-91.67109	61	2	283.83
S-175	EPHEMERAL	30.18848	-91.67206	61	3	317.68
S-176	EPHEMERAL	30.19063	-91.67558	62	8	328.37
S-177	DITCH/CANAL	30.19676	-91.68979	62-63	80	4,358.04
S-178	DITCH/CANAL	30.19678	-91.69261	63	221	265.33
S-179	PERENNIAL	30.19670	-91.69423	63	97	409.99
S-180	EPHEMERAL	30.19662	-91.69563	63	3	390.05
S-181	INTERMITTENT	30.19663	-91.69611	63	10	376.20
S-182	EPHEMERAL	30.19687	-91.69671	63	9	341.66
S-183	PERENNIAL	30.19681	-91.69759	63	40	294.67
S-184	PERENNIAL	30.19682	-91.69913	63-64	25	287.31
S-185	EPHEMERAL	30.19681	-91.69966	64	6	250.92
S-186	INTERMITTENT	30.19681	-91.70107	64	7	250.49
S-187	INTERMITTENT	30.19687	-91.70221	64	9	211.91
S-188	INTERMITTENT	30.19682	-91.70229	64	9	261.03
S-189	INTERMITTENT	30.19682	-91.70300	64	9	251.57
S-190	INTERMITTENT	30.19709	-91.70330	64	9	54.95
S-191	INTERMITTENT	30.19682	-91.70350	64	9	255.69
S-192	PERENNIAL	30.19684	-91.70423	64	20	271.11
S-193	PERENNIAL	30.19706	-91.70476	64	9	215.12
S-194	INTERMITTENT	30.19720	-91.70584	64	9	299.25
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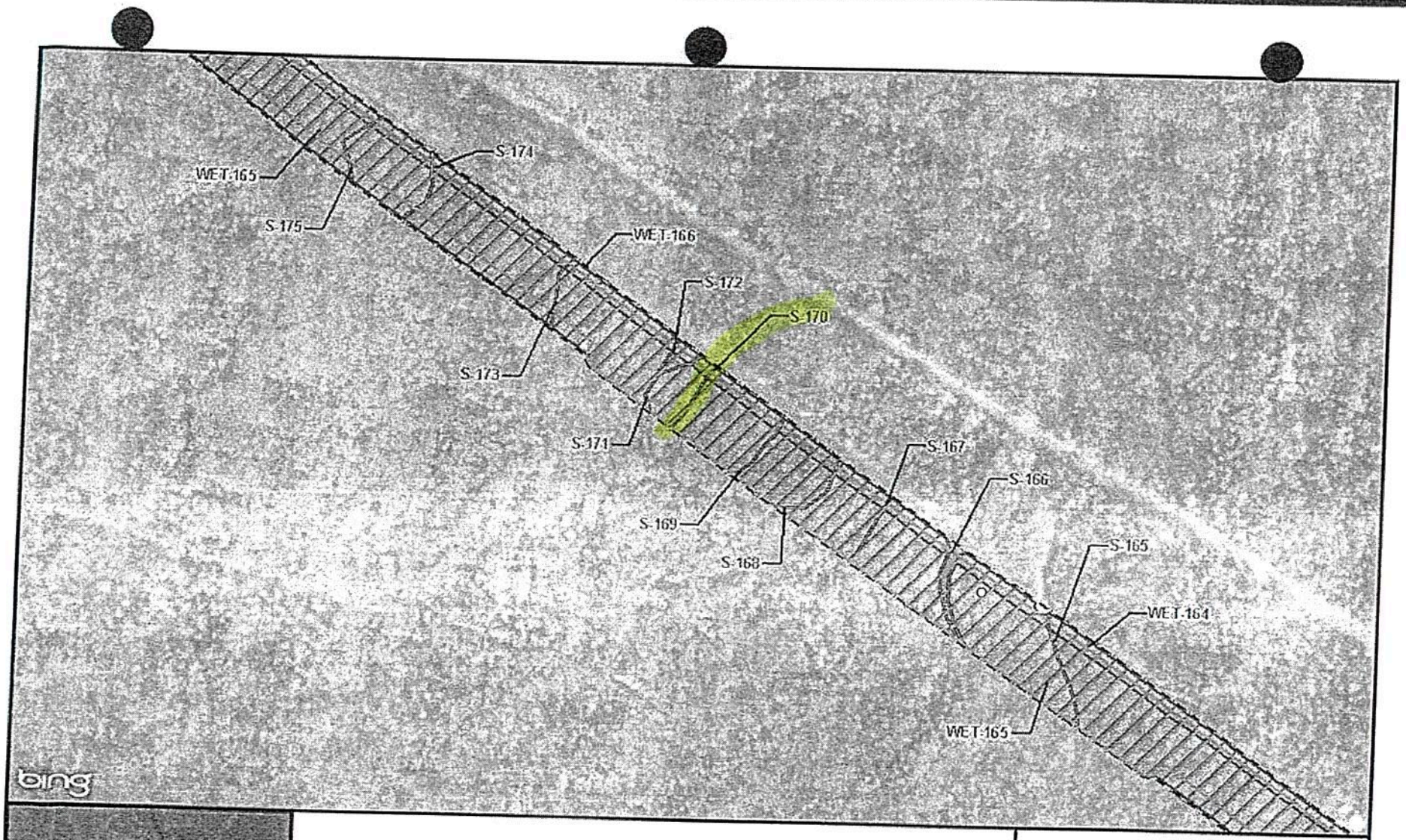

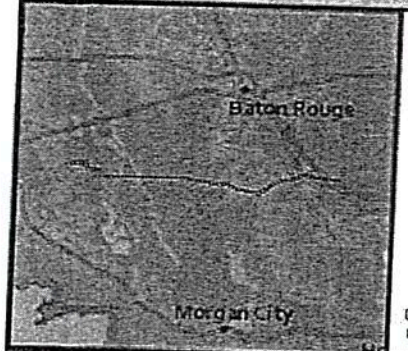

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Projection: UTM
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0 250 500 Feet

Delineations Previously Approved MLV-2013-02944-WII

Upland Area

Survey Corridor

Upland Data Point

Wetland Data Point

Section 404 Waterbody

Section 10 Waterbody

Section 404 Waterbody

Wetland

ATKINS

Figure 2 - Aerial Based Surveyed Wetlands and Waterbodies
Enterprise Products Operating LLC
Enterprise Products 65-Mile 10-Inch RGP Pipeline Project

Sheet 61 of 70

Prepared By: Atkins/WHIT6392	Scale: 1" = 500'
Job No.: 100044492	Date: Sep 25, 2015

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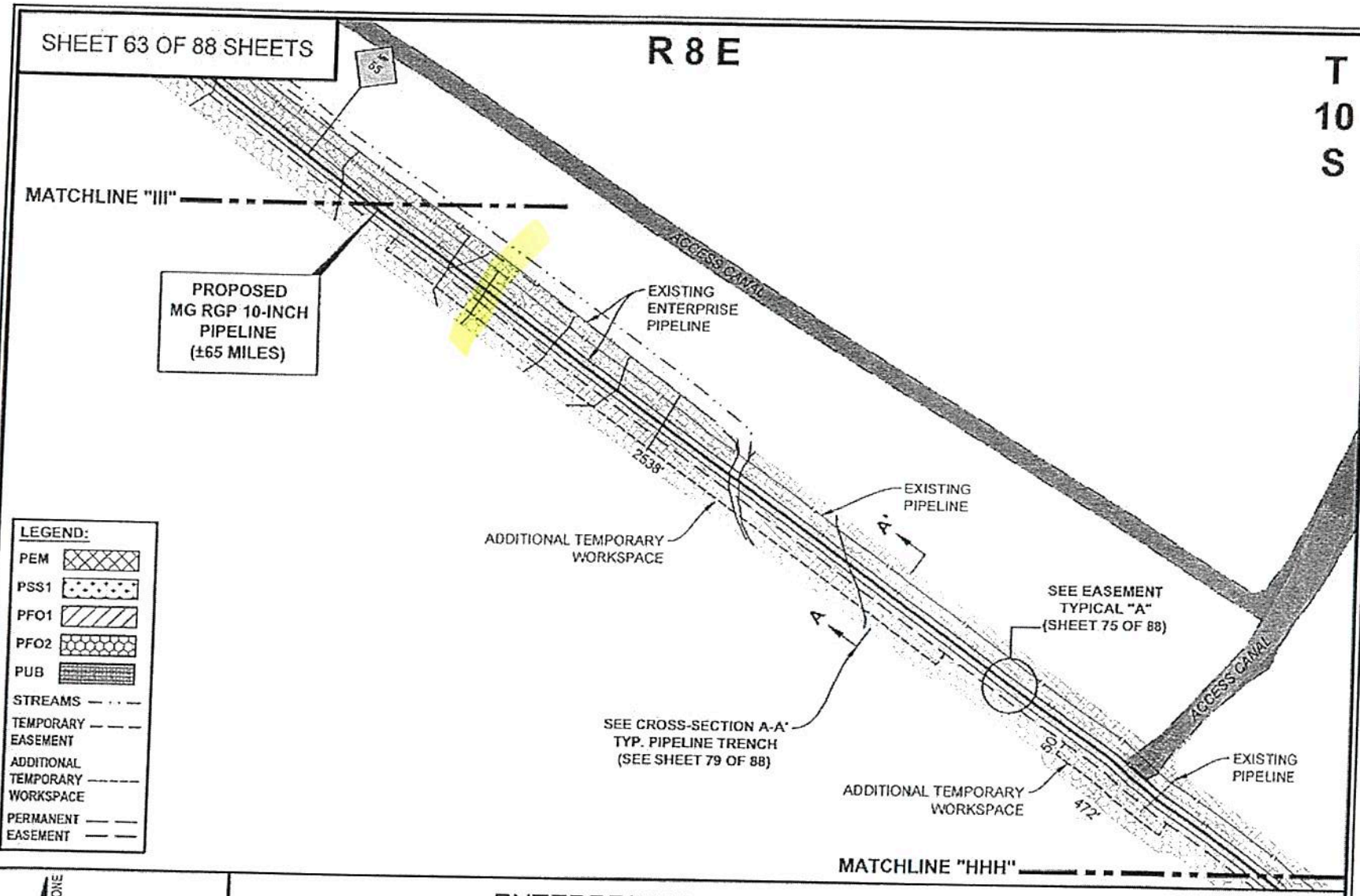

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ASCENSION, IBERVILLE & ST. MARTIN PARISHES, LOUISIANA

PLAN VIEW MAP

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500' 0 250' 500'

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PLUG 6

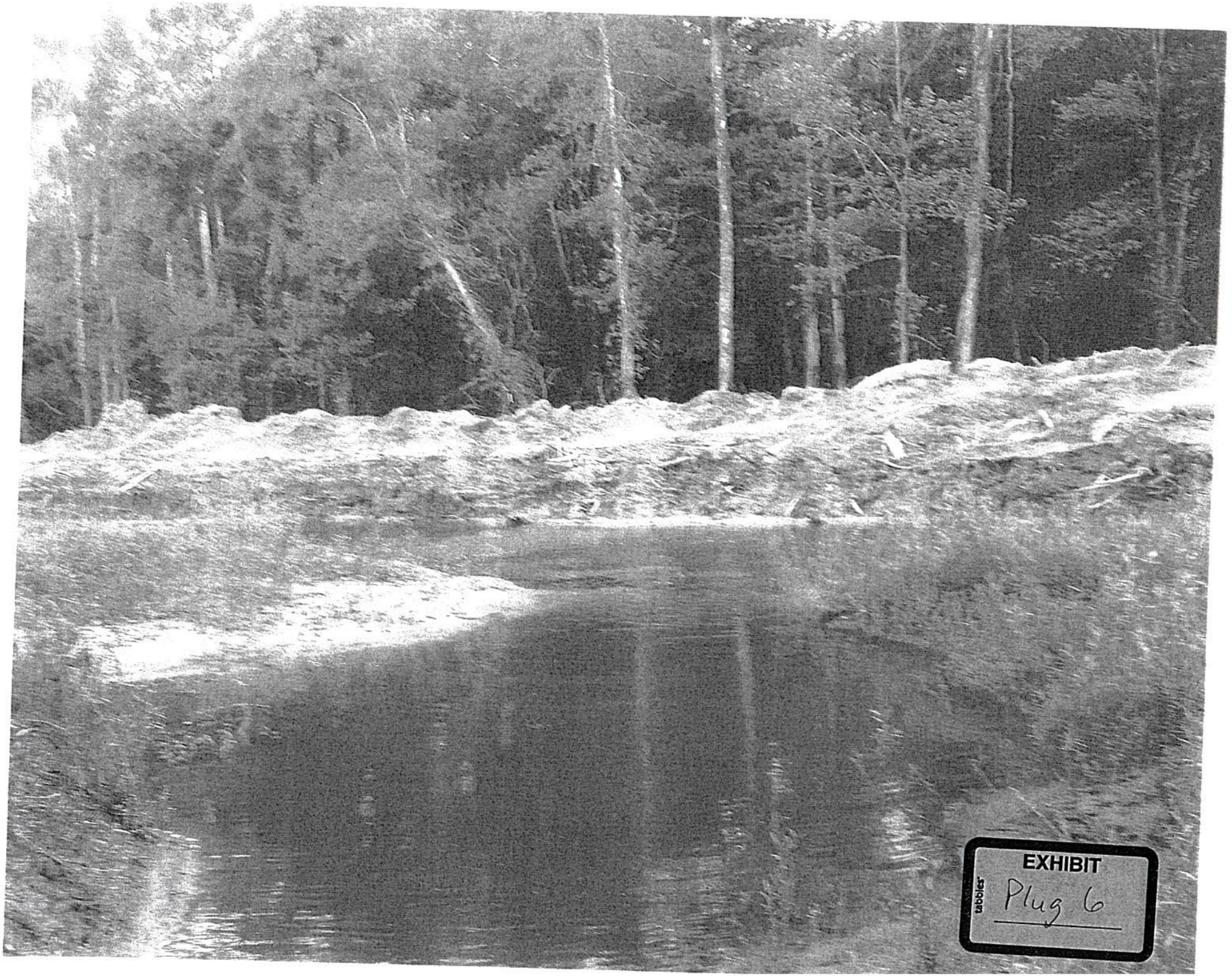
EXHIBIT
tabbies
Plug 6

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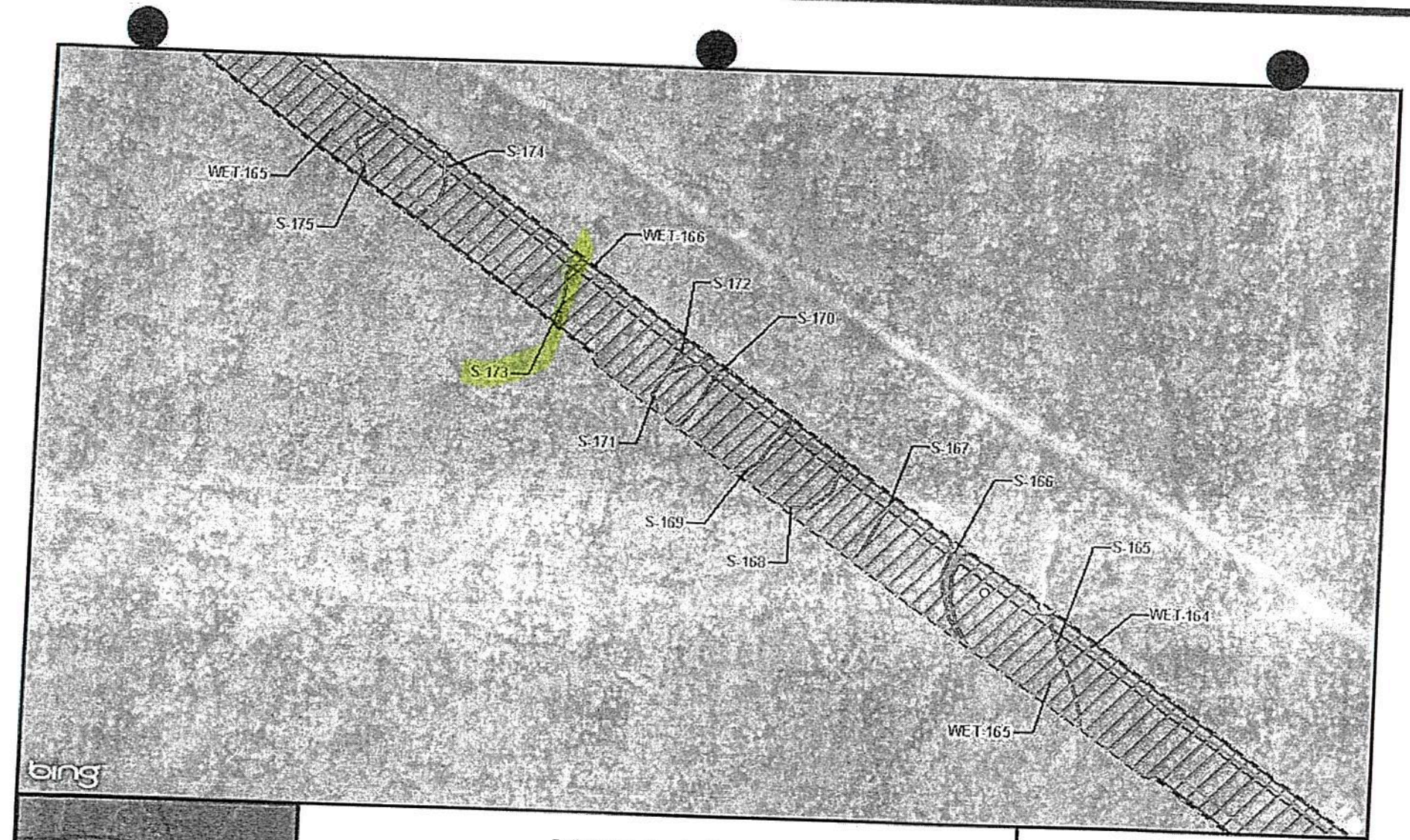
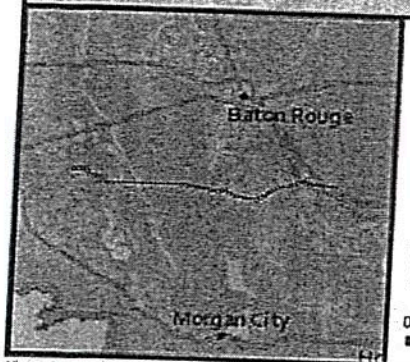
S-192	PERENNIAL	30.19684	-91.70423	64	20	271.11
S-193	PERENNIAL	30.19706	-91.70476	64	9	215.12
S-194	INTERMITTENT	30.19720	-91.70584	64	9	299.25
S-195	INTERMITTENT	30.19749	-91.70640	64	9	341.63
S-196	EPHEMERAL	30.19748	-91.70698	64	4	344.68
S-198	PERENNIAL	30.19828	-91.70941	64	20	374.72
S-199	DITCH/CANAL	30.20996	-91.71713	66	3	291.05
S-200	DITCH/CANAL	30.21374	-91.71907	66	1	307.91
S-201	DITCH/CANAL	30.21910	-91.72292	67	8	316.17
S-202	DITCH/CANAL	30.21891	-91.73622	68	20	227.19
S-203	DITCH/CANAL	30.21850	-91.74840	69	15	472.91
S-204	DITCH/CANAL	30.21837	-91.76197	70	10	216.55
S-205	DITCH/CANAL	30.22076	-91.76567	70	1	413.79

1 Map Identification represents unique designations given to each wetland by Atkins during field surveys.
2 Stream Classification determined from topographic maps and field observations.
* NAD 83.
• Photo interpretation due to no access.





Datum: NAD 1983
Projection: UTM
Zone: 15 North
Units: Meter
Aerials: Bing Maps Aerial

0 250 500 Feet

Delineations Previously Approved MLV-2013-02944-WII

Upland Area

Survey Corridor

Upland Data Point

Wetland Data Point

Section 404 Waterbody

Section 10 Waterbody

Section 404 Waterbody

Wetland

ATKINS

Figure 2 - Aerial Based Surveyed Wetlands and Waterbodies
Enterprise Products Operating LLC
Enterprise Products 65-Mile 10-Inch RGP Pipeline Project

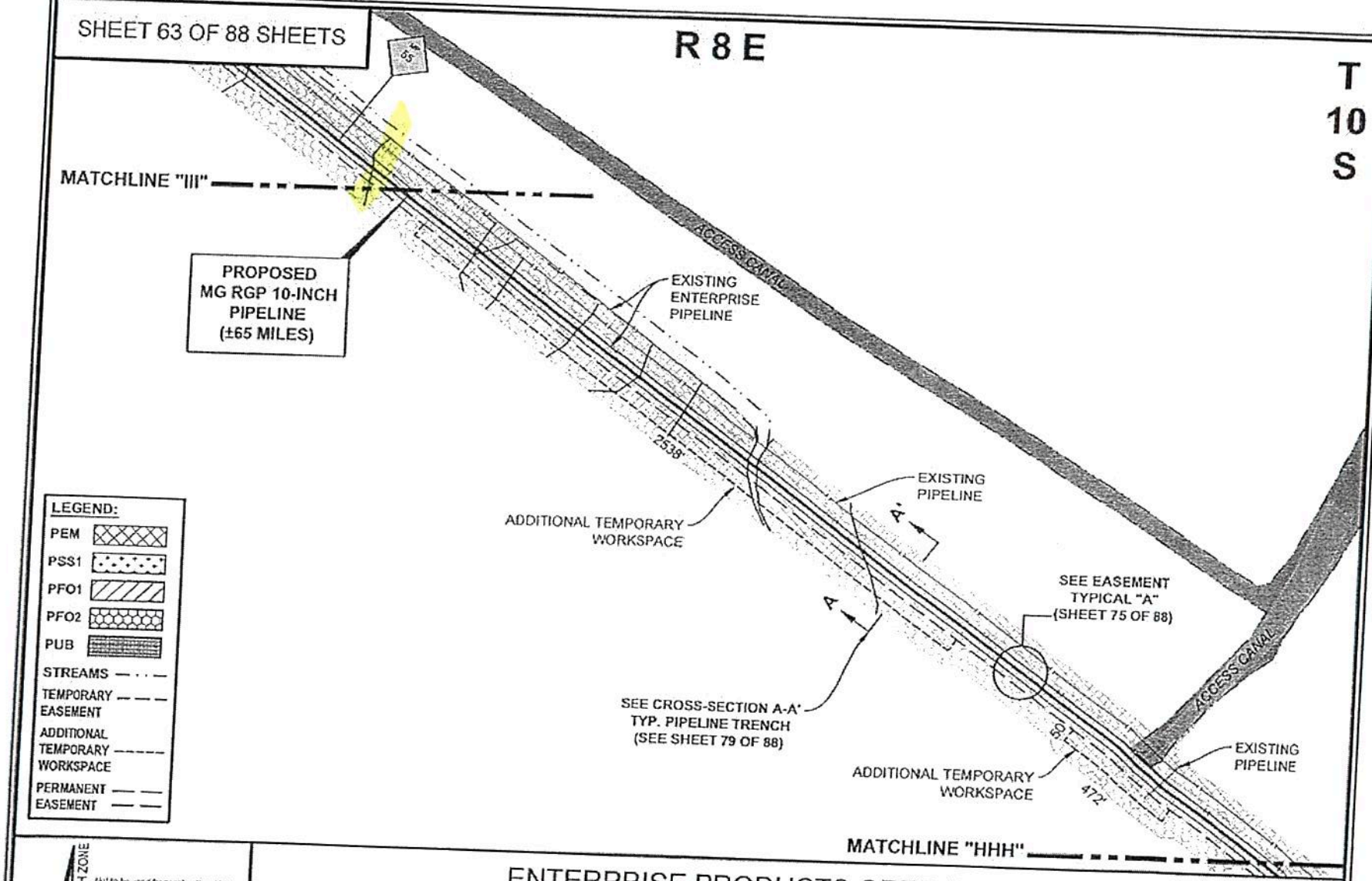
Sheet 61 of 70

Prepared By: Atkins/WHITE6392	Scale: 1" = 500'
Job No.: 100044492	Date: Sep 25, 2015

N:\E_FERC\Aegis_Ethane_Feeder\100044492\gis\figs\WORK\WOR_Impact_Map.mxd

Microsoft Corporation, Earthstar Geographics LLC, GeoEye, Harris Corporation, NASA, and DigitalGlobe. Bing Maps Aerial. 2013.
1:6,000; generated by Atkins; using ArcMap. <http://www.bing.com/maps> (25 September 2015)

SHEET 63 OF 88 SHEETS



NAD 83 (2011) LA SOUTH ZONE

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PRELIMINARY

NOTE:
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ENTERPRISE PRODUCTS OPERATING LLC

PROPOSED 65-MILE ENTERPRISE PRODUCTS MG RGP 10-INCH PIPELINE PROJECT

ASCENSION, IBERVILLE & ST. MARTIN PARISHES, LOUISIANA

PLAN VIEW MAP
SCALE: 1"=500'
500' 0 250' 500'

FENSTERMAKER
C. H. Fenstermaker & Associates, L.L.C.
135 Regency Sq. Lafayette, LA 70508
Ph. 337-237-2200 Fax. 337-232-3299
www.fenstermaker.com

DRAWN BY: JPLN	REVISIONS		
PROJ. MGR.: LJB	No. A	DATE: 10/21/2016	REVISED BY: ANL
DATE: 10/27/2015	No. B	DATE: 11/30/2016	REVISED BY: ANL
FILENAME: T:\2015\2152099\DWG\COE_FILES\2152099_Enterprise-COE Permits.dwg			

PLUG 7


EXHIBIT
tabbies
Plug 7

Map Identification[1]	Stream Classification[2]	Latitude*	Longitude*	Map Sheet	OHWM (Feet)	Linear Feet within Survey Corridor
S-166	PERENNIAL	30.18396	-91.66499	61	30	389.56
S-167	INTERMITTENT	30.18457	-91.66582	61	3	276.49
S-168	PERENNIAL	30.18487	-91.66647	61	9	330.05
S-169	INTERMITTENT	30.18537	-91.66713	61	9	279.34
S-170	EPHEMERAL	30.18589	-91.66794	61	3	276.25
S-171	INTERMITTENT	30.18614	-91.66831	61	9	321.20
S-172	EPHEMERAL	30.18631	-91.66824	61	3	148.80
S-173	EPHEMERAL	30.18698	-91.66957	61	3	275.97
S-174	EPHEMERAL	30.18794	-91.67109	61	2	283.83
S-175	EPHEMERAL	30.18848	-91.67206	61	3	317.68
S-176	EPHEMERAL	30.19063	-91.67558	62	8	328.37
S-177	DITCH/CANAL	30.19676	-91.68979	62-63	80	4,358.04
S-178	DITCH/CANAL	30.19678	-91.69261	63	221	265.33
S-179	PERENNIAL	30.19670	-91.69423	63	97	409.99
S-180	EPHEMERAL	30.19662	-91.69563	63	3	390.05
S-181	INTERMITTENT	30.19663	-91.69611	63	10	376.20
S-182	EPHEMERAL	30.19687	-91.69671	63	9	341.66
S-183	PERENNIAL	30.19681	-91.69759	63	40	294.67
S-184	PERENNIAL	30.19682	-91.69913	63-64	25	287.31
S-185	EPHEMERAL	30.19681	-91.69966	64	6	250.92
S-186	INTERMITTENT	30.19681	-91.70107	64	7	250.49
S-187	INTERMITTENT	30.19687	-91.70221	64	9	211.91
S-188	INTERMITTENT	30.19682	-91.70229	64	9	261.03
S-189	INTERMITTENT	30.19682	-91.70300	64	9	251.57
S-190	INTERMITTENT	30.19709	-91.70330	64	9	54.95
S-191	INTERMITTENT	30.19682	-91.70350	64	9	255.69
S-192	PERENNIAL	30.19684	-91.70423	64	20	271.11
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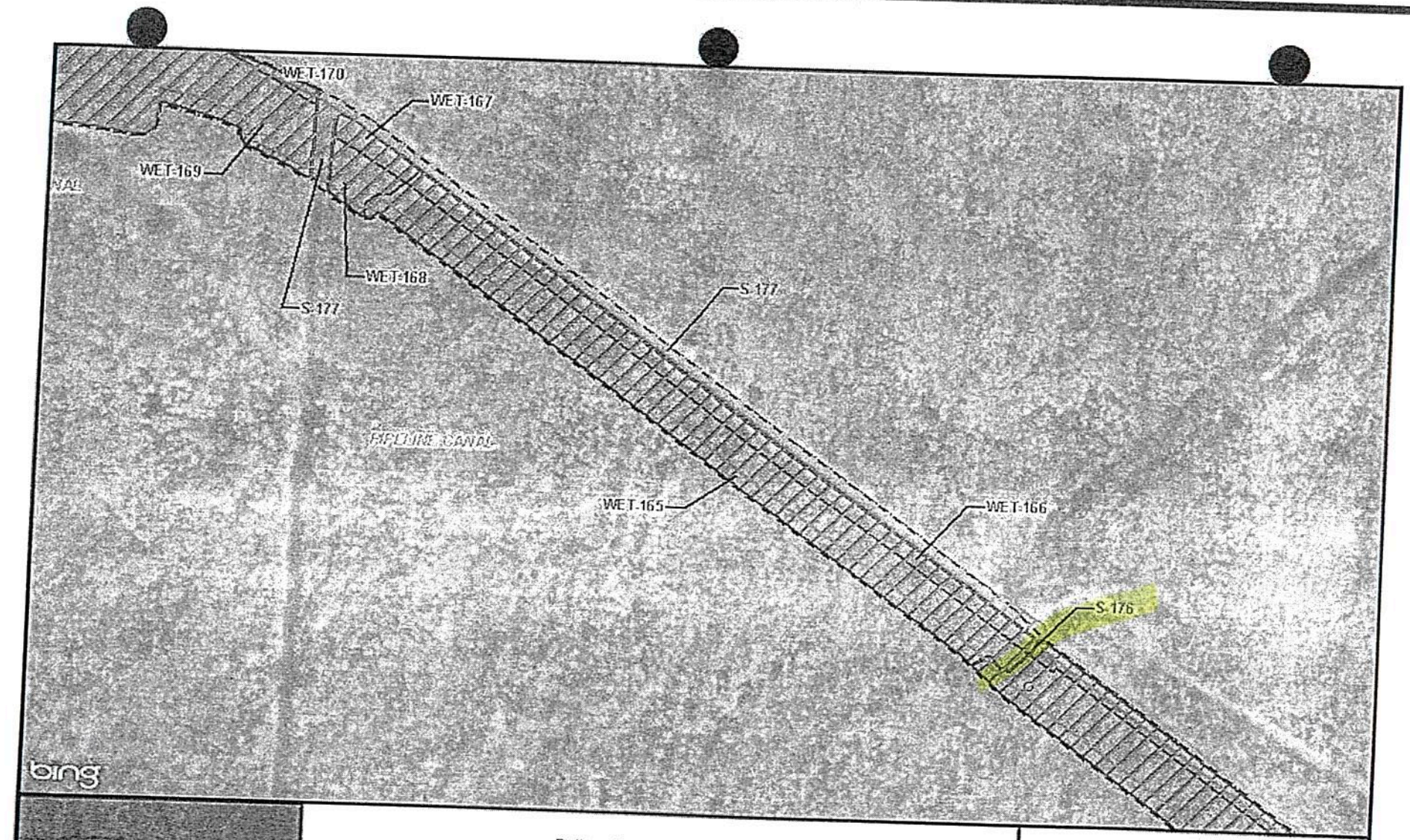

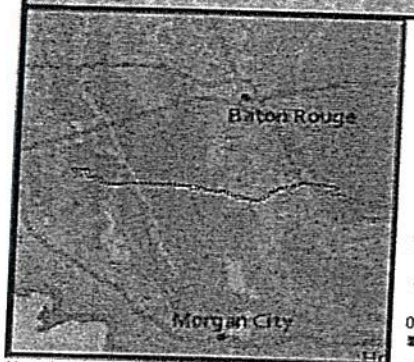

Delineations Previously Approved MLV-2013-02944-WII

Upland Area

Survey Corridor

Upland Data Point

Wetland Data Point

Section 404 Waterbody

Section 10 Waterbody

Section 404 Waterbody

Wetland

Datum: NAD 1983
Projection: UTM
Zone: 15 North
Units: Meter
Aerials: Bing Maps Aerial

0 250 500 Feet

Microsoft Corporation, Earthstar Geographics LLC, GeoEye, Harris Corporation, NASA, and DigitalGlobe. Bing Maps Aerial. 2013. 1:5,000; generated by Atkins; using ArcMap. <http://www.bing.com/maps> (25 September 2015)

ATKINS

Figure 2 - Aerial Based Surveyed Wetlands and Waterbodies Enterprise Products Operating LLC Enterprise Products 65-Mile 10-Inch RGP Pipeline Project

Sheet 62 of 70

Prepared By: Atkins/WHITE392	Scale: 1" = 500'
Job No.: 100044492	Date: Sep 25, 2015

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SHEET 64 OF 88 SHEETS

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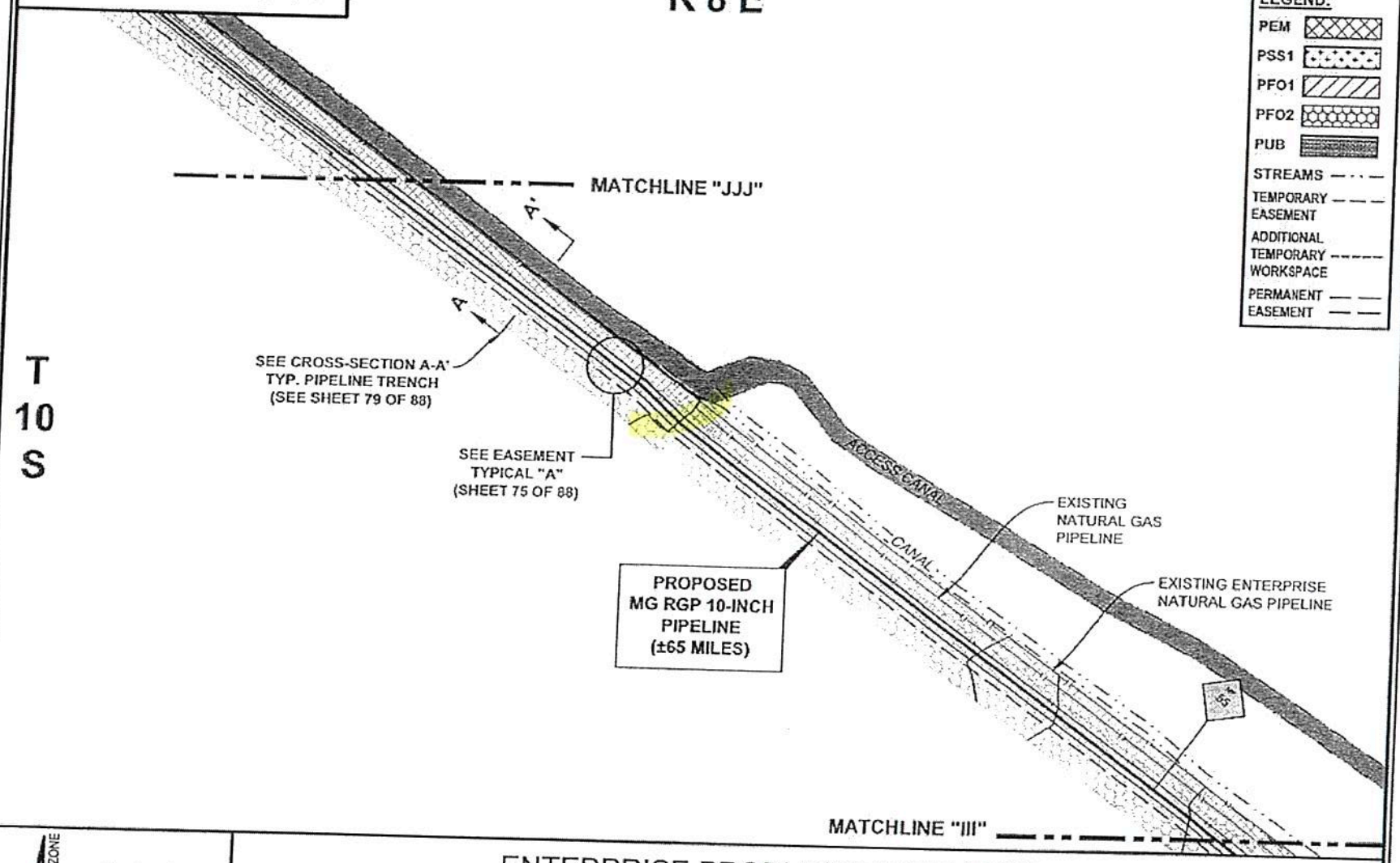

NAD 83 (2011) LA SOUTH ZONE

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ENTERPRISE PRODUCTS OPERATING LLC

PROPOSED 65-MILE ENTERPRISE PRODUCTS MG RGP 10-INCH PIPELINE PROJECT

ASCENSION, IBERVILLE & ST. MARTIN PARISHES, LOUISIANA

PLAN VIEW MAP

SCALE: 1"=500'

500' 0 250' 500'

FENSTERMAKER

C.H. Fenstermaker & Associates, L.L.C.
135 Regency Sq. Lafayette, LA 70508
Ph. 337-237-2200 Fax. 337-232-3299
www.fenstermaker.com

DRAWN BY: JPLN	REVISIONS			
PROJ. MGR.: LJB	No. A	DATE: 10/21/2016	REVISED BY: ANL	
DATE: 10/27/2015	No. B	DATE: 11/30/2016	REVISED BY: ANL	
FILENAME: T:\2015\2152099\DWG\COE_FILES\2152099_Enterprise-COE Permits.dwg				

USACE PERMIT

DEPARTMENT OF THE ARMY PERMIT

Permittee: Enterprise Products Operating, LLC

Permit No.: MVN-2015-01668-WII

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: Clear, excavate and place earthen material to conduct trenching operations, horizontal directional drills and construct temporary workspaces, all to install and maintain approximately 65 miles of 10-inch refinery-grade propylene (RGP) pipeline, in accordance with 88 drawings attached dated 1027/2015, revised 10/21/2016 and 11/30/2016.

PROJECT LOCATION: Located within a 65 mile long pipeline corridor beginning at the existing Sorrento UGS Facility, approximately 1.5 miles north-northeast of the intersection of Interstate Highway 10 and U.S. Highway 61, near Sorrento, Louisiana, in Ascension Parish, then proceeding west through Ascension, Iberville and St. Martin Parishes and terminating at the Section 28 Facility, east of Parks, Louisiana.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **30 April 2022**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Pages 4 - 11

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X _____ X 4/28/17
(PERMITTEE) (DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Darrell S. Barbara 5/1/2017
(DATE)

Darrell S. Barbara, Chief, Western Evaluation Section

for Michael N. Clancy, District Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

_____ _____
(TRANSFEREE) (DATE)

SPECIAL CONDITIONS: MVN-2015-01668-WII

7. That any excavated and/or fill material placed within wetlands must be free of contaminants, to the best of the permittee's knowledge.

8. The permittee must install and maintain, at his expense, any safety lights and signals prescribed by the US Coast Guard, through regulations or otherwise, on the authorized facilities.

9. The permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

10. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

11. If the authorized project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredging equipment, dredge discharge pipelines, etc.,) in the waterway, you are advised to notify the U.S. Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of your permit approval and drawings, should be mailed to the Commander (dpw), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Poydras Street, Room 1230, New Orleans, Louisiana 70130, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 671-2107.

12. The authorized activities must not cause more than minimal changes to the existing hydrologic conditions and flow characteristics in wetland areas or cause more than minimal degradation of water quality of any stream. Work in wetlands must not excessively impede or increase natural drainage resulting in unnatural ponding on adjoining properties. All drainage areas must remain open during and after construction of the pipeline.

13. If the authorized project requires any additional work not expressly permitted herein, the permittee must obtain an amendment to this authorization prior to commencement of work.

SPECIAL CONDITIONS CON'T: MVN-2015-01668-WII

14. Many local governing bodies have instituted laws and/or ordinances in order to regulate dredge and/or fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves dredging and/or placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your activities with local floodplain ordinances, regulations or permits.

15. Any damage to streams, streambanks, ditches, berms, ridges, levees, spoil banks, etc., must be repaired and restored to pre-project conditions. This includes hauling in appropriate material and stabilizing damaged areas if necessary. If any hydrologic connections are created from equipment moving across shorelines or banklines, these areas must be immediately stabilized and restored to pre-project conditions by hauling in appropriate fill material if necessary.

16. To the greatest extent practicable, ongoing maintenance clearing of the authorized right-of-way (ROW) should be done within a 0 to 5 year rotation and/or prior to emergent tree stratum exceeding an overall diameter at breast height of approximately 4 inches or to a point in which mechanized land clearing would be required to re-establish the ROW. Failure to comply with this requirement may require this office to re-evaluate the need for you to obtain additional Department of the Army authorization for such work.

17. The permittee shall limit mechanized clearing, grading, dredging and filling to those areas shown within specified construction rights-of-way(s) and identified temporary work spaces. Timber and other woody vegetation associated with ROW construction shall either be cut and hauled to a non-wetland location, or if not achievable, cut, chipped and broadcast to the greatest extent within the pipeline ROW at a height not to exceed approximately 4 inches in jurisdictional wetlands and/or to an elevation which would not degrade or impact existing wetlands. There shall be no stacking of chips, stockpiling, windrowing, and/or burning of any woody vegetation within jurisdictional wetlands inside or outside of the permitted ROW.

18. As to avoid temporary disruption and impediment to natural watercourses or hydrologic exchange within the area during construction, the permittee shall maintain an approximate 50 foot gap for every 500 feet of temporary side cast material resulting from pipeline trench excavation activities. Gap locations and intervals can be modified, added, or substituted, as to account for low-lying areas and natural water exchange conduits and/or provided that the altered locations or dimensions still suitably maintain normal hydrologic flows within the area, during the specific time of construction.

SPECIAL CONDITIONS CON'T: MVN-2015-01668-WII

19. The permittee shall implement adequate erosion/siltation control measures to insure that no sediments or other activity related debris is allowed to enter waters of the state. Accepted measures include the proper use of silt fences, straw bales, or other Environmental Protection Agency construction site storm water runoff control best management practices. These measures shall be installed before commencement of construction activities and maintained until construction is complete. Upon the completion of construction activities or if at any time construction activities cease for more than 14 days, all disturbed soils shall be re-vegetated by sod, seed, or another acceptable method, as necessary, to restore cover and prevent erosion.

20. This permit does not obviate you from obtaining any required permit or approvals from the Office of Pipeline Safety.

21. The permittee shall restore the ***permanent*** pipeline ROW by removing all boards and other extraneous construction materials used, and by re-establishing pre-project wetland contours as soon as possible and/or immediately following construction. Temporary stockpiled dredged material shall be returned to its previous borrow areas and/or pipeline trenches, and the areas graded to their pre-project elevational conditions. The use of appropriate imported fill material and/or the removal of any surplus fills may be necessary to accomplish the restoration. Details of any such imported fills or excess material removed from the site, shall be communicated with this office for our review and concurrence, prior to implementation.

22. The permittee shall restore all ***temporary*** work areas, construction ROWs, and access paths by removing all boards and other extraneous construction materials used, and by reestablishing pre-existing wetland habitat contours and conditions immediately following project completion. Re-planting of desirable native tree species, erosion control, regrading, on-going site management, and/or exotic species control within these areas may be necessary, if natural regeneration of pre-existing wetland habitat does not show to be occurring. You or your assignee, shall monitor these areas on a regular basis and as necessary, to help verify and ensure site condition reestablishment is transpiring. You must also acquire clear descriptive photographic evidence of the overall temporary work areas, ROWs, and access routes, (1) immediately following contour and site re-establishment, (2) one complete growing season following site reestablishment, and (3) three years following site re-establishment. This information, along with verification of restoration achievement and site conditions, shall be forwarded to this office with reference to your MVN permit number. The permittee is aware that the requirement of additional compensatory mitigation, further remediation actions, and/or further monitoring, will be assessed by this office in coordination with all pertinent resource agencies upon review of the survey information and results.

23. There shall be no mechanized clearing of vegetation between Horizontal Directional Drilling (HDD) entry and exit points, unless specifically reviewed/considered by this office and represented within the permit plans. The only exceptions unless specifically approved, is hand clearing to provide a path for the guidance cables used to aid in the drilling process.

24. The permittee or its successor shall be aware that modifications/adjustments to the constructed pipeline, maybe required in order to facilitate any future USACE approved hydrologic restoration projects within the Atchafalaya Basin. Any relevant modifications to the constructed pipeline would typically be expected to occur at locations of historic drainage, waterways, or natural lower lying areas, and may consist of possible lowering of the pipeline within the permanent right-of-way, to a sufficient depth below design grade elevation of the hydrologic restoration activity. It is expected and/or will be required that the entity conducting potential future hydrologic restoration projects which could affect this pipeline, will coordinate with the permittee or successor at the onset of the planning process, in order to incorporate the appropriate workspace needed to complete the pipeline modification. Should the subject pipeline adjustment be found justifiable and appropriate for ensuring constructability of a future hydrologic restoration venture in the basin, the permittee will be required to modify their DA permit to depict the altered pipeline location depth(s). All agency and landowner coordination, hydrologic engineering, federal and state permitting, and any relevant compensatory mitigation associated with a hydrologic restoration project, will be conducted by and the sole responsibility of the entity proposing the plan.

25. Issuance of this permit confirms that the US Army Corps of Engineers, New Orleans District, Regulatory Branch (CEMVN) has been provided with written notification from Spanish Lake Restoration, LLC that the permittee has contracted for **1.5 acres of Cypress/Tupelo Gum Swamp** at **Spanish Lake Restoration Wetlands Mitigation Bank Unit VI.** Spanish Lake Restoration, LLC has assumed responsibility for completing the mitigation in accordance with the Spanish Lake Restoration Wetlands Mitigation Bank Unit VI Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in the Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS).

26. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **39.3 acres of bottomland hardwoods** and **2.8 acres of Cypress/Tupelo Gum Swamp** at **Ponderosa Ranch of Pointe Coupee Mitigation Bank Amendment 1.** Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Ponderosa Ranch of Pointe Coupee Mitigation Bank Amendment 1 Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

27. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **16.8 acres of bottomland hardwoods** at **Bayou Choupique Mitigation Bank.** Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Bayou Choupique Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

28. Issuance of this permit confirms that CEMVN has been provided with written notification from Delta Land Services, LLC that the permittee has contracted for **52.3 acres of bottomland hardwoods** and **19.0 acres of Cypress/Tupelo Gum Swamp** at **Bayou Fisher Mitigation Bank.** Delta Land Services, LLC has assumed responsibility for completing the mitigation in accordance with the Bayou Fisher Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

29. Issuance of this permit confirms that CEMVN has been provided with written notification from Weyerhaeuser NR Company that the permittee has contracted for **127.4 acres of bottomland hardwoods** at **Gum Swamp Mitigation Bank.** Weyerhaeuser NR Company has assumed responsibility for completing the mitigation in accordance with the Gum Swamp Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in RIBITS.

30. The permittee shall utilize the push-pull method of pipeline installation in inundated wetland areas to the furthest extent practicable to reduce ROW impacts.

31. All clearing activity in potential colonial wading bird habitats, shall occur outside of the nesting season (the nesting season is February 15th to August 1st). All clearing activities outside potential colonial wading bird habitats shall occur outside of the nesting season to the maximum extent practicable.

32. Should wading bird nesting be observed within 1,000 feet of the project, all work shall cease in that area and the U.S. Fish and Wildlife Service (USFWS) shall be contacted to determine the best course of action.

33. Colonial nesting bird colonies can move from year to year and there is no current information available on the status of these colonies. If work for the authorized project will commence during the nesting season, the permittee will conduct a field visit to the worksite to look for evidence of nesting colonies. This field visit should take place no more than two weeks before the project begins. If no nesting colonies are found within 400 meters (700 meters for brown pelicans) of the authorized project, no further consultation with the Louisiana Department of Wildlife and Fisheries (LDWF) will be necessary. If active nesting colonies are found within the previously stated distances of the authorized project, further consultation with LDWF will be required.

In addition, if any colonies are found, they shall be surveyed by a qualified biologist to document species present and the extent of the colonies. The permittee shall provide the LDWF and USFWS, Lafayette Ecological Field Services Office with the survey report which is to include the following information:

1. Qualifications of survey personnel;

2. Survey methodology including dates, site characteristics, and size of survey areas;

3. Species of birds present, activity, estimates of number of nest present, and general vegetation type including digital topographic maps and Arc View shape files projected in UTM NAD 83 Zone 15 to illustrate the location and extent of the colony.

Please mail survey reports on CD to:
Louisiana Natural Heritage Program
LA Dept. of Wildlife & Fisheries
P.O. Box 98000
Baton Rouge, LA 70898-9000

34. To minimize disturbance to colonial nesting birds, the following restrictions on activity shall be followed:

- For colonies containing nesting wading birds (i.e., herons, egrets, night-herons, ibis, roseate spoonbills, anhingas, and/or cormorants), all project activity occurring within 300 meters of an active nesting colony is restricted to the non-nesting period (i.e., September 1 through February 15).

- For colonies containing nesting gulls, terns, and/or black skimmers, all project activity occurring within 400 meters (700 meters for brown pelicans) of an active nesting colony is restricted to the non-nesting period (i.e., September 16 through April 1).

35. There have been eagle nests in the project area vicinity in the past. The permittee shall survey the pipeline route for the presence of eagle nests (both active and inactive), prior to start of work. If a bald eagle nest is discovered within 660 feet of the proposed project area, then an evaluation must be performed to determine whether the project is likely to disturb nesting bald eagles. That evaluation may be conducted on line at http://www.fws.gov/southeast/es/baldeagle/. Following completion of the evaluation, that website will provide a determination of whether additional consultation is necessary. If additional consultation is required, the permittee should contact Mr. Michael Sealy of the USFWS at (337-291-3123) for further coordination.

36. The permittee shall not adversely affect migratory bird species nesting habitat within the project area, by avoiding habitat alteration during the migratory nesting period (March 1 – July 31).

37. The permittte is aware that the Louisiana black bear (Ursus americanus luteolus) may occur in your general project area. The Louisiana black bear utilizes a variety of habitat types, including forested wetlands, marsh, spoil banks, and upland forests. The primary threats to the species are continued loss of bottomland hardwoods, fragmentation of remaining forested tracts, and human-caused mortality. Louisiana black bears, particularly pregnant females, normally den from December through April. Bald cypress (Taxodium distichum) and tupelo gum (Nyssa aquatica) with visible cavities, having a diameter at breast height of 36 inches or greater, and occurring in or along rivers, lakes, streams, bayous, sloughs, or other water bodies have legal protection as candidate or actual den trees. If construction is to be performed during the denning season or if bald cypress or tupelo gum with diameters at breast height of 36 inches or greater will be removed or destroyed, further consultation with the LDWF will be necessary. We strongly urge workers and contractors to avoid bears, particularly if work is to be conducted during the non-denning season (April through December). Employees should be cautioned to not leave food or garbage in the field, as bears can become attracted and accustomed to human food easily. In addition, we recommend the use of bear proof garbage containers on site. If you have any questions please contact Maria Davidson with the LDWF at 337-948-0255.

38. Our Real Estate Division has indicated that your project is located in an area over which the federal government holds real estate interest. No work may be performed under this permit until a real estate instrument is issued by our Real Estate Division. You must contact our Real Estate Division to initiate these procedures at: Judith.Y.Gutierrez@usace.army.mil.

SPECIAL CONDITIONS CON'T: MVN-2014-00115-WII

39. One 24 inch culvert shall be installed approximately every 500 feet when constructing access roads through wetlands. Priority for the placement of those culverts should be given to natural low areas and drainages. Those culverts shall be maintained to ensure that the hydrologic connectivity of surface water is uncompromised.

40. A portion of this project is located on the Maurepas Swamp WMA; therefore, the permittee must obtain authorization from the Louisiana Department of Wildlife and Fisheries, for the authorized project. Please contact Mr. Vaughan McDonald, with the LDWF at 225-763-8807 to coordinate on your authorized project, prior to start of work.

ATKINS REPORT

ATKINS

Atkins Job No. 100044492

PROPOSED JURISDICTIONAL DETERMINATION OF WATERS OF THE UNITED STATES ENTERPRISE PRODUCTS OPERATING LLC 65-MILE ENTERPRISE PRODUCTS 10-INCH RGP PIPELINE PROJECT ASCENSION, IBERVILLE, AND ST. MARTIN PARISHES, LOUISIANA

Prepared for:

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September 2015